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Chimerical Affairs: The Board of Trade's Policy Towards the Proprietary Colonies, 1696-1702.

by

Michael E.C. Watson

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH

IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE DEGREE

OF Master of Arts

DEPARTMENT OF HISTORY

EDMONTON, ALBERTA

Spring, 1987

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Abstract

The Board of Trade was an English governmental agency charged with administering the colonies. It was founded in 1696 by William III and continued its operations until the end of the American Revolution. Although the Board was a long lived body, the first six years of its existence were the most productive and ambitious in terms of advancing new policies. The Board of Trade under William III is particularly important to colonial history because its initiatives provided the first, and what proved to be the best, opportunity for the monarch to codify English/colonial relations to the crown's greater advantage. During this period, from 1696 to 1702, the Board sought to reunite to the crown those colonies which, as private ventures, were independant of direct royal control.

This thesis will examine the development of the Board of Trade's policy towards the non-royal colonies, and the evolution of the Board's relationship with Parliament. The problem of imperial control of the colonies, in the period under discussion, stands at a crossroads in colonial history. It highlights the connection between the imperial policies of the Stuart and Hanoverian ages, and of the seventeenth and eighteenth centuries. The Board of Trade was modeled after those Stuart agencies which had regulated trade and the colonies. The Board's outlook was strongly influenced by those colonial officials who had served under Charles II and James II, as is apparent after examining the

Board's correspondence. However, in the aftermath of the Glorious Revolution of 1688/89, when the power of the executive was redefined, the Board had to accomodate itself to the new political reality. It recognized that Parliament, and not the crown, was the best tool to implement their most ambitious colonial reforms. But after William's death in 1702, the power and influence of the Board declined, and never again could it hope to effect any significant reforms in colonial administration.

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I. Introduction

The Board of Trade was an English governmental agency charged with administering the colonies. It was founded in 1696 by William III and continued its operations until the end of the American Revolution. Although the Board was a long lived body, the first six years of its existence were the most productive and ambitious in terms of advancing new policies. The Board of Trade under William III is particularly important to colonial history because its initiatives provided the first, and what proved to be the best, opportunity for the monarch to codify English/colonial relations to the crown's greater advantage. During this period, from 1696 to 1702, the Board sought to reunite to the crown those colonies which, as private ventures, were independant of direct royal control.

This thesis will examine the development of the Board of Trade's policy towards the non-royal colonies, and the evolution of the Board's relationship with Parliament. This discussion will augment the extant historiography on the Board of Trade. The remainder of this introduction will be devoted to a discussion of that literature relevant to the thesis, and will conclude by outlining some of the premises explored in the body of this essay.

The problem of imperial control of the colonies, in the period under discussion, stands at a crossroads in colonial history. It highlights the connection between the imperial policies of the Stuart and Hanoverian ages, and of the

seventeenth and eighteenth centuries. The Board of Trade was modeled after those Stuart agencies which had regulated trade and the colonies. The Board's outlook was strongly influenced by those colonial officials who had served under Charles II and James II, as is apparent after examining the Board's correspondence. However, in the aftermath of Glorious Revolution of 1688/89, when the power of the executive was redefined, the Board had to acommodate itself to the new political reality. It recognized that Parliament, and not the crown, was the best tool to implement their most ambitious colonial reforms. But after William's death in 1702, the power and influence of the Board declined, and never again could it hope to effect any significant reforms in colonial administration.

Surprisingly little literature on the Board of Trade exists, and only one book is specifically concerned with the activities of the Board during William III's reign. The fact of there being such a limited amount of material concerning the Board has precluded the existence of any great scholarly controversies about the agency. Interested scholars have built upon the work of past contributors, while still pursuing their own theses. Little has been written about the Board recently; the latest major work was published twenty years ago, and the majority of the scholarship predates 1945.

Before examining the secondary literature, however, it is worth looking at those studies which fall into the

general context of colonial history. The trends and fashions of research in this larger area have to be understood before the historiography of the Board can be appreciated or evaluated. British historians have had little impact in much of the work concerning this area. They have left the investigation of the early colonial period to American authors. Philip Haffenden, whose work is an exception to the rule, comments that British authors have written about the West Indian colonies of the seventeenth and eighteenth centuries, but have not ventured to study the American mainland plantations. This approach has fostered an artificial seperation between the two regions, a development that Haffenden rightly deplores. [1] Within this work, the American and West Indian colonies will be treated as the administrative unit they actually were.

British historians who have discussed William III have neglected the imperial aspects of his reign in favor of domestic political, constitutional or military events. For example, Sir George Clark's standard text, *The Later Stuarts*, mentions colonial expansion insofar as it "strengthened the confidence of British statesmen in their relations with the European powers." [2] The Board of Trade is mentioned in the context of its reliance upon the advice of the merchant class, as an example of the growing influence

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[1] P.S. Haffenden, "The Crown and the Colonial Charters, 1675-1688", *William and Mary Quarterly*, 1967, p. 297.
[2] George Clark, *The Later Stuarts*, 2nd edition (Oxford: 1955), p. 348.

of this group.[3] The larger implications of colonial expansion and English trade policy are not discussed.

Clark's book is now dated, but the approach of British historians remains the same to date. Influential authors such as David Ogg or J.H. Plumb still treat the subject of the plantations much as Clark does. The Board of Trade's role in economic matters and trade administration is acknowledged, but its function as the main administrative agency of a number of overseas possessions populated by English subjects is not discussed. It is primarily American scholars who have researched the role of the Board of Trade in colonial history.

American scholarship about the Board of Trade is part of a larger historiographic debate about the validity of the Imperial school of colonial history. The proponents of this school have been successful in presenting a consistent and pragmatic interpretation of the American colonial experience. H.L. Osgood, G.L. Beers, C.M. Andrews and L.H. Gipson are among the most noted historians associated with this approach. The writings of these men, and their students, approach the problems of colonial history in a similar fashion. Their first concern was to indicate the events in England which had a bearing upon the institutional and administrative history of the colonies. They would then interpret and assess colonial events in the light of those developments. These historians were concerned that full

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[3]Clark, p. 44.

attention be paid to both colonial and English events. A fundamental premise of the Imperial historians was that the trade laws of the seventeenth and eighteenth centuries were beneficial to both the colonies and the mother country. [4]

The American Revolution casts a long shadow over American historiography, even over events that occurred ninety years before. The Imperial historians realized that the fact of the Revolution distorted the writing of American colonial history. They hoped to compensate by describing the Revolution as a colonial, rather than an American, experience. Charles Andrews commented that the "years from 1607 to 1783 were colonial before they were American or national, and our Revolution is a colonial and not an American problem." [5]

This assertion was unacceptable to the post World War II generation of American colonial historians. Robert Middlekauff, in a 1966 article about colonial historiography, said that:

> The Americans made the Revolution; they must be understood if the Revolution is to be comprehended. Administrative historians who study the origins of colonial policies and the workings of Imperial agencies delude themselves when they claim that they explain colonial history, or the American Revolution.[6]

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[4] For more details about the Imperial school see R.B. Morris, "The Spacious Empire of Lawrence Henry Gipson", *William and Mary Quarterly*, 1967, pp. 169-189.
[5] C.M. Andrews, *The Colonial Period of American History, Vol. I* (New Haven: 1938), p. ix.
[6] R. Middlekauff, "The American Continental Colonies in the Empire" in *The Historiography of the British Empire-Commonwealth*, edited by Robin Winks (Durham, N.C.: 1966), p. 45.

He further asserted that the influence of the Imperial school had stifled the development of fresh approaches to colonial history. More local history was the key to understanding the character of colonial culture.[1]

Middlekauff's article explained the developments in the field of colonial history after World War II. Local histories of the type he advocated were more common, and are still the dominant form of colonial history. This literature concentrates upon such subjects as the genesis of American popular institutions such as the colonial assemblies. While this approach has merit, the writing has tended to be parochial in both tone and application and has not contributed to a broader understanding of the American colonial experience. The insights of the Imperial historians can not be totally abandoned.

The insights of the Imperial school could be distorted, however, and frequently were. W.F. Craven's book in the New Nation Series, *The Colonies in Transition*, is an example of how difficult it is to use the insights of the Imperial historians without being disciplined by their theme. When describing events in the American colonies Craven is very assured, but he seems confused when dealing with the imperial administration. He acknowledges that the Board of Trade wished to "bring all of the colonies under the king's rule", but says that this policy was useless as there was no need for greater imperial control over the colonies. All of

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[1] Middlekauff, p. 25.

the apparatus for a uniform application of the trade laws existed in 1696, and no more regulation was required.[8] Parliament recognized this and the Board of Trade's attempt to resume the colonial charters failed.

Craven's analysis is uneven, for while the apparatus of imperial control may have relaxed after the Glorious Revolution, this was not, as he contends, because of any regard for the colonies. The War of the League of Augsburg commanded William's attention more than did the colonies. The colonial administration was still as firmly committed to the royal prerogative and the enforcement of the trade laws as they had been before 1688. And while the machinery for a better enforcement of the trade laws might have existed in the 1690s, it was unuseable because of opposition in the non-royal colonies.

Roger Simmons in *The American Colonies* and J.M. Sosin in his books on the English colonial empire from the restoration to 1714 are more careful in their analysis than Craven. Both these authors use the writings of the Imperial historians to supplement what are basically accounts of the American mainland colonies. Their discussion of the Board of Trade is well informed, and, in Sosin's books, well researched. These books all recount the influence that the London based Board of Trade had upon events in the colonies. According to both Simmons and Sosin, English policies were important in determining what happened in the colonies. But

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[8]W.F. Craven, *The Colonies in Transition*, (New York: 1968), p. 256.

domestic concerns, European problems and the ultimate lack of importance of the Board's policies to both the king's ministers and Parliament discouraged the Board from implementing any comprehensive and substantive colonial program.[9]

The most concise and authoritative introduction to the Board of Trade is contained in chapter IX of Charles Andrews *The Colonial Period of American History, Vol. IV*. This is an outstanding synthesis of the Board's career and evaluates its place in Anglo/American history. Andrews argues that the traditions of the Board of Trade were a continuation of those of the Stuart trade bodies, based on the idea of a colonial connection dictated "mostly by statute, partly by the unwritten constitution of the kingdom, and partly by England's commercial and financial needs."[10] So the Board's authority suffered because the members could not comprehend the dangers of a policy that sacrificed the good of the colonies for the well being of England, or the lesser for the whole.

Andrews is too harsh on the Board, for within the limits of their understanding and commission, the Board's members proved to be honorable in their dealings with the colonies. None of the Board's members, according to Andrews, had ever visited American before being appointed and they were generally ignorant of colonial affairs. The Board was

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[9]R. Simmons, *The American Colonies* (New York: 1976), p. 165 and J.M. Sosin, *English America and the Revolution of 1688*, (Lincoln, Nebraska: 1982), p. 261.
[10]Andrews, *Vol. IV*, p. 303.

fair, though, and considered the advice of ex-governors, merchants, agents and colonial proprietors, as well as many hundreds of letters from the colonies. '' Thus the Board was always prepared to learn what it could, although it was often true that informants, if unfriendly to the colonists, misled the Board about colonial opinions. ''

Andrews is generally critical of attempts by other historians to explain the role of the Board. According to its commission the Board of Trade "was not to act as a board of colonial administration or government" but was to "advance the trade and commerce of the realm." '' Given Andrews exceptional knowledge of the primary source materials of colonial history, it is difficult to argue with his presentation. But however much the Board may have tried to avoid responsibility for aspects of colonial administration outside of trading concerns, it was not successful. This was especially true during William's reign as the parameters of the Board's influence and power were established.

Andrews' writings show such a broad understanding of the colonial period that other writings in the same area often seem uninspired and pedestrian. This affects any appraisal of O.M. Dickerson, who wrote the first book specifically on the Board of Trade, *American Colonial Government, 1696-1765*. This book, published in 1912, gives

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''Andrews, *Vol. IV*, p. 299.
''Andrews, *Vol. IV*, p. 303.
''Andrews, *Vol. IV*, p. 315.

an account of the Board of Trade throughout most of its existence, with an emphasis upon the character of the Board after the accession of George I. Dickerson made a special effort to describe the imperial objectives of the Board and its interactions with the other administrative and executive departments of the government.

Dickerson's book is well researched and reasonably objective in tone, and in spite of an American bias, he shows an awareness of the difficulties of the British colonial administration. He is especially good in demonstrating the multiplicity of domestic political pressures acting upon the Board. When discussing the American colonial officials Dickerson concentrates upon their relations with the colonial assemblies and does not explore their relations with the Board of Trade. He only briefly mentions that the Board called upon these officials to furnish information about violations of the Acts of Trade. '* Dickerson assumes that aside from Customs information, the Board was not well informed by American sources. This was certainly not true of the Board of Trade during the time of William III.

The basic weakness of this book is its scarcity of detail about the first, and probably most important, six years of the Board's life. If Dickerson had organized his book to emphasize the different phases of the Board's career, it would have been a more useful study. As it

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'*O.M. Dickerson, *American Colonial Government, 1696-1765* (Cleveland: 1912), p. 116.

stands, this book provides a general overview of the Board, but for a more knowledgeable and useful discussion of the Board under William III other sources have to be consulted.

The gap left by Dickerson was to be filled fifty-five years later by I.K. Steele in the *Politics of Colonial Policy*. This is the best available study of the formative years of the Board, from 1696 to 1720, written by an administrative historian. Steele contends that the major problem besetting the Board was its lack of stature in the government. Created as "an awkward child of political expediency" because of the crisis of English trade and finance in 1695, the Board was only an advisory body to the Privy Council. [15]

Steele is concerned with defining the relationship of the Board to the other English government agencies. He skillfully describes the administrative environment within which the Board functioned, but does not analyze the rel tion of the Board to Parliament. This is a major ommission, insofar as Parliament, which had little input into colonial affairs before the Glorious Revolution, showed an increasing interest in trade and colonial policies during William III's reign. The relationship with Parliament that was cultivated by the Board's members was a significant departure from the practice of earlier trade bodies, and needs explanation.

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[15] I.K. Steele, *Politics of Colonial Policy*, (Oxford: 1968), p. 3.

Steele emphasizes the differences between the Board of Trade and the earlier trade council, the Lords of Trade. He is correct when he says that the place of the Board within the executive was different from its predecessor. But he does not attach enough significance to the areas of the Board that were similar to the Lords of Trade. Such an emphasis puts the Board's attempt to resume the charters of the proprietary colonies to the crown in better perspective. The Glorious Revolution did not affect England's attitude toward the colonial charters, and pursuing resumption in Parliament was not that different from applying for a royal writ of *quo warranto* in the time of Charles II or James II.

This is the major weakness of Steele's book; it is difficult to explain the origin of the Board of Trade's policy unless their similarity to the Lords of Trade is appreciated. This failing is not confined to Steele; other historians interested in the Board have the same weakness. The Board's attempt to reunite the non-royal colonies to the crown has proved to be a popular problem and articles by A.G. Olson and L.M. Kellogg are particularly good. Olson's article investigates the failure of the Board to resume the charters of the non-royal colonies, concentrating upon William Penn's role in marshalling opposition to the scheme. Olson discusses Parliament's role in this process of resumption, but she concentrates upon why the issue did not turn out to be a party issue and how imperial issues did not

interest most M.P.s.''[1] Her article shows the ultimate fate of the Board's initiative but does not indicate the development of this policy.

L.M. Kellogg's article discusses the details of the Board's policy to reunite the proprietary colonies to the crown. She hoped to show in her article that the persecution of the proprietary colonies was one of the root causes of the American Revolution. Kellogg's article assumes that the relationship between the Board and the colonies was strictly adversarial, and that the Board acted without a satisfactory knowledge of the plantations.[2] This is untrue, for the Board had many sources of information about the colonies. Their problem was to sort through the vast mass of communications they received in order to judge the relative value of each. Also, the colonies were not adverse to enjoying the advantages of the colonial connection. This article, which was written in 1902, makes an assumption, which later historians share, that the Board was not responsive to information from the colonies.

Biographies of some of the major figures associated with the Board are another source of information about the Board of Trade. The biography of Edward Randolph by Michael Hall illustrates how an energetic correspondent could influence the Board. Throughout his career Randolph compiled

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[1] A.G. Olson, "William Penn, Parliament, and Proprietary Government", *William and Mary Quarterly*, 1961, p. 183.
[2] L.M. Kellogg, "The American Colonial Charter", *American Historical Association, Annual Report, 1903*, pp. 217-219, 224-225.

information against the proprietaries, and the Board of Trade benefitted from his expertise. Hall does not paint a very flattering picture of Randolph, who was a cantankerous and suspicious individual. Hall can not understand Randolph's devotion to the crown nor his antagonism towards the colonies. This book would have been more useful to students of the Board of Trade if Hall had detailed Randolph's relationship with William Blathwayt, who dominated the Board during most of William III's reign.

Blathwayt's biography contains some information about the Board, but his positions were too numerous for the author to devote more than one chapter to his membership on the Board. '* Jacobson mentions Blathwayt's antagonism towards the non-royal colonies, but does not specify the roots of this feeling. She is more concerned with describing Blathwayt's bureaucratic activities. Stephen Webb's article adds to Jacobson's description of Blathwayt, using newly discovered sources to supplement her argument. Webb indicates that the continuity of the civil service was a major factor in maintaining royal authority after the Glorious Revolution. '' He also shows how Blathwayt combined the responsibilities of his many offices to augment his personal influence. The work of Jacobson and Webb illustrates how powerful Blathwayt was during William III's

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''G. Jacobson, *William Blathwayt* (New Haven: 1932.), chapter x.

''S. Webb, "William Blathwayt, Imperial Fixer: Muddling Through to Empire", *William and Mary Quarterly*, 1969, pp. 374-381.

reign.

Biographies of the remaining Board members are not as informative about the Board of Trade as are the works about Blathwayt. These men all had other public positions that were considered more important and influential. L.G.W. Legg's treatment of Mathew Prior's membership on the Board is typical. His appointment is described as a sinecure and Prior is said to have had little interest in colonial affairs until compelled by jealousy over his appointment to be more attentive to his duties. [20] The approach is similar in the biographies of Abraham Hill and John Locke; because the subjects thought so little of their tenure on the Board, their biographers pay little attention to this aspect of their lives.

The Board's contemporaries did not think that this agency would survive. At the time of the Board's creation men accustomed to public affairs gave odds of forty to one that the Board would not survive the year. [21] One member of Parliament, who was noted for his wit, said that the members of the Board were in charge not of "American but Chimericall Affairs." [22] This fanciful description of the Board was, in part, justified, but the Board of Trade survived until 1782. So whether in charge of colonial affairs or 'chimerical' affairs, the Board remained important through the eighteenth century.

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[20] L.G.W. Legg, *Mathew Prior* (Cambridge: 1921), pp. 120-121.
[21] BL Add MSS 9726, f. 144.
[22] J.M. Sosin, *English America and Imperial Inconstancy*, (Lincoln, Nebraska: 1985), p. 236.

II. A Board For The Protection of Trade

The Board of Trade was very much the creature of its antecedents, being shaped in an equal measure by both the Restoration and the Glorious Revolution, the two major historical events in England during the last half of the seventeenth century. This awkward coupling produced a surprisingly adept and adaptable child. That the Board remained the arbiter of colonial affairs for eighty five years indicates the strength of the traditions and purposes which animated it. In preparing and considering policy the Board was prompted not only by the political reality of post-Revolution England, but also by the imperial practices promulgated during Charles II's reign and enlarged upon by James II.

Before discussing the Board of Trade it is necessary to survey briefly the colonial administration that preceeded its creation. Certain aspects of the Restoration colonial administration had an enduring legacy for King William's Board of Trade. Much of what impelled the Board was no different than had been the norm under Charles and James, the essential link being those colonial officials and members of the Board whose careers spanned the reigns of the restoration Stuarts. This chapter will also recount the first tentative actions taken by the Board and will end at the Peace of Ryswick and the conclusion of the War of the League of Augsburg. The end of this conflict would give the Board an opportunity to impose its own priorities instead of

responding to a constant series of military emergencies.

It was during the reign of Charles II that the first stable and permanent administrative body was created to oversee the English colonies. This was a committee of the Privy Council based upon other, temporary attempts to coordinate colonial administration, and was known as the Lords of Trade. From 1675 to 1696 the members of this body considered the problem of how best to integrate England's imperial possessions and the needs of the kingdom. The Lords of Trade were the direct predecessors of the Board of Trade and established the basis for many of the policies the Board was to consider later.

The focus of the Lords' deliberations were the Navigation Acts, and these laws were the primary consideration on which any decisions about colonial or trade questions were based. These acts, introduced in their modern form in 1651 by Cromwell, and renewed and extended by Charles II were an attempt to strengthen England's maritime power and to define the role of the colonies in the English economy. The Navigation Acts, or Acts of Trade as they were also known, required that all goods from the colonies were to be carried only in English ships which had to be manned by crews originating either in England or the colonies. Further provisions stated that the colonies could only receive European goods by way of England, and that certain colonial products were to be 'enumerated', and upon being so designated could only be shipped either to other colonies or

directly to England. The Acts of Trade were meant to encourage England's carrying trade at the expense of the Dutch and were a contributory factor to the three Anglo/Dutch wars of the 1650s and 1660s. They were also designed to provide protected markets for both colonial and English products, and maintain a favorable balance of trade. Also, as customs duties were the greatest source of revenue available to the Crown, naturally the government wished to maximize the money available from this source.

The advantages of this legislation were apparent to the Lords of Trade, who courted the rising merchant class in England and furthered the application of these acts. These acts were considered restrictive by the colonists in America and the West Indies, however. They were eager to benefit from those clauses which favored their circumstances but derided those which were unfavorable. This attitude was evident to the Lords of Trade, but they found no room for compromise. Certain restrictive aspects of the legislation were necessary to make it worthwhile for England to continue to protect the colonies from other European powers. To ensure that the Navigation Acts were obeyed the Lords moved against those colonies thought to be the most blatant opponents of the acts. Their method was to attempt to bring the colony under more centralized control, which included placing officials and customs officers from England throughout America and the West Indies.

The English colonies had begun as private ventures, funded by either a corporation or aristocrats interested in the profit that colonizing ventures were thought to generate. These entepreneurs, or proprietors, received a grant of land from the king, which was an inexpensive way to reward a favored subject, and a charter by which they were to administer the region. These charters granted the proprietor the right to govern, defend and administer justice in his plantation as he saw fit. It only required that the colony not be administered contrary to the interests of England.

Whereas proprietary colonies were administered by a group of men or an individual in England who hoped to profit from the venture, a chartered colony was established by a group of settlers, usually religious dissidents, who were already in America. This type of colony was even more independent of the crown than the proprietary colonies, often claiming rights for their assemblies that challenged the prerogative rights of the monarch. Connecticut, Rhode Island, and, when they had a charter, Massachusetts, were chartered colonies. Examples of proprietary colonies included Pennsylvania, granted to William Penn by Charles II, Carolina and the Bahamas. Colonial officials in London saw little difference between the two types of plantations.

If a chartered or proprietary colony transgressed too much on the rights of the king, their charter could be revoked by legal action and the Crown would then assume the

government of the offending colony. These were the royal colonies, the first of which had been Virginia. By 1688 New York, Jamaica, Maryland and Bermuda were all royal colonies as well. These colonies had their governors appointed by the Crown and were easier to administer than the proprietary colonies.

It was the proprietary and chartered colonies which were the bane of the imperial system. Officials in the royal colonies reported that these colonies disregarded the Acts of Trade whenever possible. In order to bring these colonies to a realization of their responsibilities, the Lords employed a favorite Stuart device and entered writs of *quo warranto* against the charters of these colonies, beginning in 1678. *Quo warranto* was a legal device whereby a person or corporation were required to show by whose authority they held their charter. They were then to prove that the terms of the charter had been observed or else it was declared forfeit and all rights devolved upon the crown. [23]

The restoration Stuarts used *quo warranto* extensively in order to end the opposition of those English cities opposed to their policies. One by one the charters of the municipal corporations were attacked, until in 1683 the charter of London was abrogated. Few Stuart policies were resented as much as these resumptions of the borough

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[23] In old English practice, *quo warranto* was a writ from the king against the abuser of a franchise or office, commanding him to show by what warrant he exercises his franchise, it having been forfeited by neglect or abuse. *Quo warranto* was first used by Edward I and was made notorious by James II.

charters to the crown. One of James II's last efforts to save his throne involved the restoration of all the municipal charters which had been resumed to the crown since 1679. [24] This action was to no avail, but one of the demands of Parliament as William III took the throne was that he declare all borough charters inviolable. *Quo warranto* was not to be a tool of royal policy after the Glorious Revolution because of its association with Stuart despotism and tyranny. However, few politicians in England cared what happened to the charters of the proprietary colonies.

By 1678 this process of *quo warranto* litigation was well under way, Bermuda and Massachusetts being the first two colonial victims of this policy. As Philip Haffenden points out, by 1688 all chartered colonies had been proceeded against and it was only the events of the Glorious Revolution and the similar uprisings in the colonies that prevented them from becoming royal possessions, under the control of a central agency. [25] It is Haffenden's opinion that this policy was the unifying factor of post-restoration colonial administration as the Lords of Trade "recognized that economic dependence and semi autonomy were poor imperial bedfellows." [26] He is undoubtably correct, and it proved to be a durable policy for the Board of Trade under both William and Ann were of the same opinion.

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[24]Clark, p. 136.
[25]Haffenden, pp. 299, 460-461.
[26]Haffenden, pp. 299, 466.

One of the men most involved in prosecuting writs of *quo warranto* against the colonial charters was Edward Randolph, a minor Customs official under Charles II whose singlemindedness and hard work made him the best known English colonial expert by the time the Board of Trade was created. It was Randolph whom the Lords of Trade sent to the colonies to gather information which would be used in *quo warranto* proceedings, and when the attention of the Lords faltered during a domestic political crisis, Randolph always brought the member's thoughts back to the abuses prevalent in the proprietary colonies. Randolph's enthusiasm was resented by the people in the colonies, but his diligence was rewarded when he was appointed colonial Surveyor-General by the Customs Commissioners in 1691.[27] Randolph was still active after the Glorious Revolution, his hatred of the proprieties fostered by a period of arbitrary imprisonment in Massachusetts in 1689.

Randolph was not the only colonial official active during William's reign who had started his career under either Charles or James. Francis Nicholson and Edmund Andros, amongst other colonial officials, were also veteran office holders by the time of the Glorious Revolution. William Blathwayt, who was to become the most important member of the Board of Trade, was another. He served as secretary of the Lords of Trade and auditor general of plantation revenues during the 1670s and 1680s. He then

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[27]For an account of the various positions Randolph held, see Andrews, *Vol. IV*, p. 200n.

served William III in various capacities including clerk of the Privy Council, under-secretary of state, private secretary and secretary at war. One of the first career civil servants, Blathwayt was a man who "in a comparatively subordinate office, had greater power than any minister." [28] These men all retained the ideas about the role of empire that had motivated the Lords of Trade and promulgated them after 1688.

The success of the Glorious Revolution brought William III to the throne of England and also involved the country in the War of the League of Augsburg. This war pitted England against France, and the two nations attacked the shipping and colonies of the other unmercifully. French privateers devastated the English shipping trade to such an extent that Parliament, prompted by domestic merchant interests, began to hold a series of inquiries into the conduct of the war in 1691. The Acts of Trade were gradually losing their effectiveness due to the war, a situation that the English government found intolerable.

Edward Randolph was given leave in 1695 by Governor Nicholson of Maryland to come to England and campaign for a more rigorous enforcement of the Acts of Trade. The House of Lords, which was conducting hearings on an act designed to improve and protect English trade, invited Randolph to appear before their committee and comment upon their

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[28] J. Carter, "The Revolution and the Constitution", in G. Holmes ed. *Britain After the Glorious Revolution* (London: 1969), p. 53.

proposals. Randolph's expertise was so comprehensive that he was enlisted to draft some passages of a proposed bill to regulate abuses in the plantations.[29] This bill was presented to Parliament by William Blathwayt, who among his other offices, was also an M.P.[30]

This act, which received royal assent on April 10, 1696, was a supplement to the earlier Navigation Acts and drew upon the experience of the last twenty years to provide for new methods of enforcing trade regulations. The relation between the crown and the colonies was fundamentally altered by this Parliamentary regulation. One controversial clause of the bill provided for the establishment of vice-Admiralty Courts in the colonies. These were prerogative courts and were particularly suited to judge maritime cases as they functioned the year round. They sat without juries which would be to the advantage of the customs' agents in the colonies. These agents, as Randolph had experienced, almost invariably lost cases which involved breeches of the Acts of Trade because of the antagonism of local juries. Under the new Act, an Admiralty Court Judge would try all contraventions of the trade laws.

Another contentious clause of the new Act was the requirement that all colonial governors, even those in the proprietaries, receive royal approval. Formerly it had been

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[29]Hall, p. 161n. This was the belief of William Penn, who had both the opportunity and the compulsion to know.
[30]L.F. Stock, ed., *Proceeding and Debates of the British Parliaments Respecting North America, Vol II* (Washington: 1927), p. 155.

unclear if the Acts of Trade could be applied to the proprietary and chartered colonies and the 1696 Act attempted to settle this issue. Randolph convinced Parliament that these colonies should be subject to the same regulations that applied to the royal colonies. As well, all governors were now to be required to swear an oath compelling their observance of the Acts of Trade. Randolph was commissioned to administer the oath to all the colonial governors, proprietary and royal.

The Act of 1696 concerned itself with the internal affairs of the colonies more than any previous legislation, and it also clarified the extent of royal authority in the colonies. That this initiative was taken by Parliament was extremely important for the future Board of Trade. Parliament's right to legislate on such matters which, it could be argued, were properly a function of the royal prerogative had not been challenged. This was an indication of Parliamentary dissatisfaction with an increasingly unpopular and costly war, but also illustrated the changes brought about by the Glorious Revolution. The Board appreciated the new status of the legislature and paid close attention to any Parliamentary interest. The Board took its initial direction from the clauses of the 1696 Act, moving to implement the measures designed to better enforce the trade laws. This bill also made the Board amenable to Parliamentary direction and responsive to that body's legislation. This act also set the grounds for the later

confrontations the Board was to have with the colonial proprietors.

Dissatisfied with merely amending and expanding the existing trade laws, Parliament entertained the notion that a replacement for the Lords of Trade which would be responsible to Parliament could be created and introduced a bill to that effect. Since 1689 the Lords of Trade had been a moribund body as the members of the Privy Council found no time to attend to colonial and trade matters. Such an initiative was an even more blatant invasion of the royal prerogative and would not be ignored, and after second reading this bill was abandoned. The Parliamentary hearings had called for the creation of a board that would have been responsible for protecting England's merchant shipping. This was an invasion of royal authority over the Admiralty which had sole control of naval vessels. This measure threatened royal control of the armed forces and was immediately opposed by men supportive of the prerogative such as William Blathwayt. [31] Parliamentary hesitancy about the advisability of such an act and the discovery of an assassination plot against William III sounded the death knell for this particular initiative, and to demonstrate their loyalty, Parliament abandoned its plan. [32]

The King and his ministers had been very aware of the potential threat to the prerogative posed by the Parliamentary initiative and had busily prepared a proposal

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[31]Jacobson, p. 290.
[32]Steele, p. 16.

of their own for a replacement for the Lords of Trade. The Parliamentary threat to establish a new body to administer trade and the colonies was not an isolated incident, but yet another skirmish in a struggle between the crown and the legislature that had been evident since William's accession. William was very determined that his prerogative should not be eroded in any way, and he was able to keep the executive intact and strong during his reign. In accord with this view, Lord Shrewsbury, the Southern Secretary of State, consulted the commissions of past trade councils and drew up a commission for a revised council to be responsible for trade and the plantations. After waiting for the demise of the Parliamentary action on this matter, the royal warrant creating the Board of Trade was issued April 30, 1696.

The Board was created to respond to the fears of England's merchants, and as such its policy was to enforce strictly the Navigation Acts. The Board's commission was very similar to that of the Lords of Trade, except that the Board was only an advisory council and had no power to enforce their recommendations unless specifically authorized by the Privy Council. The state of England's trade was their most important responsibility, and to keep trade flowing smoothly the Board was enjoined to gather information about the colonies, the state of their defenses, government, and other pertinent information. [33] Then the Board was to make representations to the King, and, upon request, to

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[33]A Copy of the Board's commission is printed in Stock, pp. 213-216.

Parliament, based upon what information they had gathered and incorporating suggestions for improvement of colonial and trade administration.

The Board's first members were not notable for their knowledge of colonial affairs except for William Blathwayt, the former secretary to the Lords of Trade, now Secretary at War to William III. The Earl of Bridgewater was another appointee with a modicum of experience in the area, having been one of the few Privy Council members to attend meetings of the Lords of Trade regularly during the first years of William's reign. The other appointees were able men, some of whom had trade expertise, but none were familiar with the colonies. They took their duties seriously, but had little influence upon the decisions of the Board. John Locke was an exception, for the aging philosopher was influential in the English administration, and his opinion weighed heavily with the other members of the Board, much to Blathwayt's chagrin. Blathwayt begrudged the influence that would have been accorded him as the most powerful member of the new Board.

Blathwayt was considered the greatest expert on colonial affairs resident in England, a position which he exploited as much as he was able. However, Blathwayt, due to his position as Secretary at War, was away on the continent for at least five months every year which diminished his influence. He and Locke immediately clashed over the appointment of a secretary to the newly created Board. Blathwayt failed to secure the position for his nominee, a

failure that impeded his complete control of the new body. Locke and Blathwayt did not meet often. Blathwayt spent the summers on the continent while Locke preferred to spend winter at his country house. I.K. Steele notes a tendency for the Board's attitude to fluctuate on certain matters and towards certain colonial officials, but not to any great extent for "even a Whig philosopher and a Tory civil servant had relatively few disputes about the status and function of the colonies." [34]

The Board relied on colonial correspondents for their information about the colonies, especially the royal officials who were charged with protecting the crown's interests in the colonies. These men could be either the governors in a royal colony, customs officers, Admiralty Court judges or interested observers. The Board received a great amount of information from these correspondents, all of which had to be evaluated for its degree of usefulness and veracity. These letter writers had their own interests to advance, a factor the Board was quick to realize. So the Board gave the most credence to those communications which originated from men known to and respected by the Board, or which contained information likely to be useful. Men such as Randolph, Nicholson, and Andros who were well known colonial administrators and allies of William Blathwayt, with careers that had began in Charles II's reign, had a lot of influence upon the Board.

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[34]Steele, p. 25.

By the time the Board took office in May, 1696, the Lords of Trade had entirely ceased to function and had left behind a backlog of correspondence for the newly appointed Board to deal with. William Popple, the Board's new secretary, experienced some difficulty obtaining the records of the former agency. These problems, coupled with some hesitancy about the extent of the Board's influence within the government, contributed to a sense of inertia among the new members. The first months of the Board's existence, until Blathwayt's return, were spent trying to comprehend the expectations and responsibilities associated with the office.

Blathwayt returned to England in October, 1696, and his familiarity with colonial affairs and how the Lords of Trade had administered their affairs helped guide the Board through the business it was expected to conduct. The circumstances of the Board's creation made it less powerful than the Lords of Trade had been, for all the members of that body had been Privy Councillors and their decisions had been easily implemented. The Board of Trade, as it was constituted, possessed no more than the right to advise the King and petition to have government policy altered. There was no guarantee that the petitions of the Board would be heeded. In 1696, however, the war with France precluded any balanced appraisal by the Board of the imperial situation. The reports in Parliament that had presaged the Board's creation had emphasized the defenceless nature of the

colonies and the deleterious effect this was having on English trade. So the exigencies of colonial defence were the most pressing problems which claimed the attention of the Board.

The colonial correspondents whose letters were awaiting the Board confirmed the precarious state of English colonies ability to withstand attack. From New York's Governor Fletcher came a torrent of complaints about the lack of military assistance from the surrounding colonies for his colony's hard pressed northern frontier. In spite of royal proclamations that specifically enjoined military cooperation, only Virginia and Maryland, the other royal colonies, had contributed anything towards a common defence. Assistance had not been forthcoming from Pennsylvania, Rhode Island, or Connecticut, only excuses. "Such letters I never received as from these . . ." Fletcher complained, "What they write looks like English but I cannot find out their meaning . . . it is apparent that the stronger these colonies grow in parts the weaker we are in the whole." [35] This attitude, that the non-royal colonies would not contribute to the common defence of all the colonies but would take advantage of the preparations made by the royal colonies, was to become familiar to the Board of Trade. Royal officials were more than happy to complain about the shortcomings of the proprietaries as less attention would then be paid to their faults.

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[35] CSPC 1696-1697, #14.

The Board was also responsible for overseeing the defence of the West Indian colonies. French privateers had preyed upon any shipping to or from these colonies to such an extent that trade was at a standstill. Despatching naval vessels to the area did not improve the situation. While the men-of-war did discourage the French, their constant need for manpower caused them to press what male inhabitants they could while in the West Indian ports. This discouraged trade, for the crews of visiting merchant ships were pressed as well. So, the produce of the islands could not be got to market, nor could necessities be brought in. In the West Indies the colonial governors and the naval commanders were constantly at odds, and the Board of Trade was expected to mediate betweeen the two.

Any correspondence from the colonies tended to amplify the problems of colonial defence. The war with France had dislocated the economies of almost every colony and the Acts of Trade had lost their effectiveness. The necessity to defend the colonies had been emphasized to the Board, but so had the necessity to reestablish English trade. This created a tension in the Board's outlook that could only be removed by the end of the war. In anticipation of the end of hostilities the Board addressed the breakdown of the trade laws as this was easier than convincing the Admiralty that even larger convoy escorts were needed or sending money to colonies who refused to make preparations for their own defence.

In the summer of 1696 Edward Randolph began to appear regularly at the Board's meetings, either with documents for the members consideration or to tender advice. He wished to have the provisions of the 1696 Navigation Act enforced now that the legislation was in place and it was in the hope that the Board would implement the Act that he began to attend their meetings. The members of the Board were novices in colonial affairs and any appreciation they had of the Navigation Acts was only theoretical. Randolph was a recognized expert, and was willing and able to provide information about the practical limitations of the Acts and what was needed to enforce them.

Randolph's first discourse, presented on July 24, 1696, was intended to show how useful the colonies could be to England. Naval stores, so important to a maritime nation, could easily be obtained from the colonies, obviating the need for expensive imports from Denmark and Sweden. Randolph emphasized that relations with these two countries might easily deteriorate, while the colonies were complaining that their industry could not be properly cultivated for want of a market. Throughout his presentation Randolph illustrated his close knowledge of the various colonial economies and their potential strengths. [34] This was the type of reliable and complete information the Board desired and Randolph's expertise was recognized and cultivated by the members.

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[34] CO 324/6, pp. 12-18.

Such information was of secondary importance to Randolph, however, who presented to the Board, at their meeting the next week, a collection of papers detailing his efforts to enforce the Acts of Trade in the colonies. These documents included lists of vessels seized by Randolph in his capacity as Surveyor General of Customs from 1692 to 1695, together with accounts of the subsequent trials, all of which had been unsuccessful. Another document followed which was a copy of the proposals Randolph had made to the Customs Commissioners for a more stringent enforcement of the Acts of Trade. Randolph was of the opinion that before colonial Admiralty Courts could be established it was necessary to compel all the colonial governors not only to take an oath to uphold the Acts of Trade, as required by the new Act, but also to leave security for their conduct. Only then should Admiralty Courts be established. Randolph thoughtfully included a list of officers necessary to staff an Admiralty Court along with recommendation as to suitable appointees. [3']

Randolph's next suggestion was that any settlement of the Admiralty Courts question was also dependent upon a resolution of the status of the proprietary colonies. On August 17, 1696, he presented the Board with a lengthy report on illegal trade. In this report he enumerated the common methods of avoiding the Navigation Acts as practised in the colonies. He also included a separate section that

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[3']CO 324/6, pp. 22-26.

outlined the status of illegal activities in each of the proprietaries, and evidence of the connivance of the governors in such activity. [38]

Randolph's point was that the men appointed governors by the proprietors were generally men of "indifferent qualifications, parts and estates" who only held their position at the pleasure of the proprietors. In effect they were the agents of the proprietors and not fit to be entrusted by the Crown to enforce the Acts of Trade. Randolph especially castigated the colonies of Rhode Island, called a "free port for pirates"; Pennsylvania, where he had been imprisoned after seizing a ship for illegal trading; and Carolina, where the present governor was an active participant in illegal trade. Randolph's conclusion was that in order to ensure enforcement of the Acts of Trade it was necessary for the Crown to appoint the colonial governors in the proprietaries. He believed that his action would not be an infringement of the proprietors' rights under their charters. Sensing perhaps that the veracity of this paper and its conclusions were difficult for the Board to accept, Randolph brought in a witness to the next meeting of the Board to confirm some of the details he had attested to. [39]

Such an action was too much for the Board to contemplate this early in its life. Blathwayt, who still supported revocation of the proprietary charters was the only member who would have immediately supported Randolph's

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[38] CO 324/2, no. 6.
[39] CSPC 1696-1697, #154.

conclusion, but he was still on the continent. In November the Board received from the Customs Commissioners a copy of the memorial Randolph had presented to them in August. The only interpolation was Randolph's personal view of the colonial customs which had been ruined by the failure of the proprietors to nominate fit representatives, duly qualified and of good reputation, to curtail fraud and illegal trade. Unless this matter was attended to, sending competent officers to the colonies to compel observation of the Acts of Trade was useless without the support of the governor, a matter that Randolph was well qualified to judge. [40]

Randolph was agitating for the development of a body of men in the colonies who would be dependent upon the Crown for their position and their livelihood. Only in this way would the interest of the Crown be advanced in the non-royal colonies and the venality in local administration that was such a common feature of colonial life, be discouraged. Such action would also give the Crown a means of internal control in the colonies, a step Randolph thought essential for the enforcement of the Navigation Acts. This proposal to the Customs Commissioners, and through them to the Board, went beyond the provisions of the 1696 Act and it was clear that Randolph believed that attempts to enforce the provisions of that bill would fail due to proprietary opposition.

It was not until Blathwayt returned to England that the Board began to function properly. During the summer the

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[40] CO 5/1287, pp. 5-13.

Board had held hearings about the various colonies in order to supplement their knowledge. Merchants, colonial agents, and interested individuals made submissions to the Board concerning all aspects of colonial life. Soon the Board began to send out letters to the colonial governors asking specific, and pointed, questions about the plantations; their populations, economies, measures to prevent illegal trade and provisions for defence.

These letters let the colonial officials know that the new Board was taking its responsibilities seriously and that they desired a steady flow of information from a varied group of correspondents. It was also a means to let the colonists know that there were many sources of information available to the agency and that the Board would be sensitive to any complaints it received. Furthermore, the Board began to issue reports to the Lords Justices on the state of the colonies. Especially significant was their report on the defences of those colonies who shared their frontier with New France. The Board found that while the Crown had committed a great many resources to the defence of these colonies, the various plantations refused to comply with the orders enacted for their defence. It was because of "the distinct and independent governments and interests of the provinces" and their unwillingness to cooperate that the French had been at an advantage in the interior of North America. [41]

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[41]CO 324/6, pp. 59-68.

The Board recommended that the colonists be forced to take a greater responsibility for their own defence as the French only attacked undefended settlements. Due to the different proprietary grants the colonies could not be united administratively, as James II had attempted to do in 1688, but a military governor could be appointed to coordinate defence efforts. [43] Such a person would be governor of the northern royal colonies and the captain-general of all the northern colonies militia. This idea had first been advanced in 1694 by the Lords of Trade after they had consulted with the Solicitor General as to its legality. The Board was merely reviving what seemed to be an excellent solution to the difficulties of a coordinated colonial defence.

Very early the Board had arrived at the conclusion, based upon the information available, that the colonies could not be trusted to help themselves. Encouraged by correspondence from the royal colonies they decided that some form of compulsion was necessary in order that the various plantations recognize their common interests. The proprietors of the non-royal colonies resented this type of uniform control, and began to take notice of the new Board. Randolph's report on abuses in the proprietary plantations

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[43] In 1688 James II had abrogated the charters of the northern American colonies and united them in an administrative unit called the Dominion of New England. This arrangement did not survive the Glorious Revolution as the colonial population rebelled in 1689 and sent the royal officials back to England. For more details see Sosin, *English America and the Revolution of 1688*, passim.

had caused a stir among this group and on November 5, 1696, their agents attended a Board meeting to ask for a copy of one of Randolph's reports that recommended the appointment of new attorney generals in the proprietaries. [43] The proprietors also regarded the proposed creation of Admiralty Courts in their colonies as a gross violation of their charter rights. The Board replied to these complaints that the legal question of the Crown's rights to create Admiralty Courts was presently before the Attorney General, but that the right was not thought to be beyond the power of the Crown. [44]

The Attorney General's answer confirmed the Board's opinion. [45] Hearing of this result the proprietors of Carolina approached the Board and said they were surprised that the need for an Admiralty Court existed, but they were willing to erect such courts to enforce the Acts of Trade if the need was evident. After some reflection the proprietors of Jersey, Pennsylvania, and the agents for Connecticut asked for the same indulgence. They begged that their governors be given vice-Admiralty commissions as were the governors of the royal colonies. [46] This would ensure that the Admiralty Courts would be under their control. The Board rejected this option, upon Randolph's advice, because proprietorial control would have subverted the original intent of the Admiralty Courts. The Board was being very

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[43] CO 5/1287, pp. 3-4.
[44] CSPC 1696-1697, #397.
[45] CO 5/1287, p. 14.
[46] CO 5/1287, pp. 15-17, 31.

cautious in their attitude towards the proprietaries.

In the New Year the Board began to receive some reaction to its proposal for a captain-general of the northern colonies. On January 25 "several gentlemen concerned in New England and the neighboring colonies" made a submission to the Board that moved for the unification of the civil governments of New York and Massachusetts. This governor was also to have military authority in the adjacent colonies. Lord Bellomont, a Whig peer, was their favored candidate. [1]

Over the next few weeks similar letters were received by the Board. One correspondent said that such a measure was the only way to beat the French as it would enable the colonies "not only to defend but to offend". Another group championed the scheme for the salutory effect it would have on the war ravaged economy of the northern colonies. They guaranteed that if an honorable person were named governor, that what had happened to the Dominion of New England would not be repeated. [2]

There was opposition to the proposal from the London colonial agents of New York, New Hampshire and Connecticut. The Connecticut representative specifically petitioned that his colony not be included in such an arrangement as it would bring great hardships upon the inhabitants should they be required to fight outside their own colony. It would also be contrary to their charter. New Hampshire protested

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[1] CSPC 1696-1697, #620.
[2] CSPC 1696-1697, #653.

primarily because they feared the arrangement would give Massachusetts the opportunity to annex their colony. [49]

Such protests received scant attention from the Board, but the objections of the New York agents were not so easily dismissed. Their complaint was that any administrative union between New York and Massachusetts would only be to the advantage of the port of Boston at New York's expense. They agreed that the appointment of a military governor was necessary, but the benefits of unification would accrue only to the residents of Boston. [50]

These charges were refuted by the agents for Massachusetts who characterized them as "suggestions of no great weight" and unworthy of a studied rebuttal. William Penn also contributed an idea for the consideration of the Board which called for an assembly of colonial representatives to meet and foster cooperation amongst the colonies. [51] Such a scheme did not address the issues which concerned the Board, and so was not considered.

The Board was willing to appoint a new governor in the northern colonies because of the growing charges of misconduct against Governor Fletcher of New York. Accusations of fraud, connivance with pirates and election tampering had accumulated against Fletcher. [52] While there was tacit understanding in the English government that a

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[49]CSPC 1696-1697, #672, #690.
[50]CSPC 1696-1697, #691.
[51]CSPC 1696-1697, #704.
[52]CSPC 1696-1697, #217i-iii, #429, #536, #625, #626, #627, #628, #629.

colonial governor would use his position to enrich himself, the charges against Fletcher were too difficult to ignore. The Board reflected on the growing body of testimony against Fletcher and in December, 1696, pronounced themselves ready to hear all accusations against the governor. [53] The Board was ready to recommend to the king that Fletcher be removed from office at the earliest possible opportunity.

In February the Board made its final submission about the proposed unification to the King in council. It was evident to the Board that all concerned parties appreciated the need for concerted colonial defence, but "objections to the method of executing it vary according to the interests of the parties by whom they are made." The different forms of government in the northern colonies made any type of union, except under a military head, impracticable. So the Board's recommendation was that the Crown use its powers to appoint a common captain-general for all the militias of the northern colonies, this same official to be governor of New York and Massachusetts also. This suggestion received prompt royal approval and the Earl of Bellomont was appointed governor. [54] This approbation by the King was encouraging to the members of the Board. They had recognized the disorganization and dislocation that was impeding the successful defence of the northern colonies and had been able to implement their own solution. This solution had been arrived at with the advice of interested correspondents, but

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[53] CSPC 1696-1697, #495.
[54] CSPC 1696-1697, #762, #804.

the Board had initiated the discussion and assumed the responsibility. This was the Board's first administrative success. Unfortunately none of the Board's other initiatives in this period were to be as successful.

In January of 1697 the Board had its first opportunity to implement one of the provisions of the 1696 Acts of Trade. The proprietors of the Bahamas were proposing that their present governor Nicholas Trott, accused of harboring pirates, be replaced by Nicholas Webb. Randolph reminded the Board that the 1696 Act required that Webb be examined by the Board to ascertain his fitness for the position, and gain the crown's approval. [53] The Board requested that the proprietors and Webb appear before them in order that they might confirm Webb's appointment. The proprietors readily obliged and Webb attended the January 13 meeting of the Board. The Board examined him and then sent a letter to the proprietors asking that Webb take the required oath to obey the King and to observe faithfully the Acts of Trade. They also wished to know what security was being brought for Webb's conduct and what was the amount of his salary. They also inquired into the methods then current in the Bahamas for trying pirates and illegal traders. The proprietors answered all the Board's questions and requirements except on the matter of security for Webb's conduct. [54]

After ascertaining Webb's salary, the Board asked that it be increased if possible so that its paucity not incline

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[53] CSPC 1696-1697, #542.
[54] CO 5/1287, pp. 19-20.

Webb to become involved in harboring or conniving with pirates. They then broached the matter of security once more, "in view of the encouragement of piracy and violation of the Acts of Trade" prevalent in the Bahamas. The proprietors, with scant grace, acceded to the Board's requests except in the matter of security. which, as it had never been needed before, "we cannot conceive the convenience of requiring it now." In spite of the lack of security for his conduct, Webb was confirmed. [57]

The circumstances of Webb's confirmation illustrated the impact that the 1696 Act allowed the Board to have in a proprietary colony. If security for the conduct of the proprietary governors, as suggested by Randolph, could be obtained, the Board would have an even better opportunity to control the actions of officials in the proprietaries. It was unlikely that the proprietors. who had been ill pleased by the 1696 Act of Trade, would cooperate with the Board in arranging for security to be taken from their governors. But, upon Randolph's prodding, the Board was ready to press that such a measure be made obligatory.

On February 11, 1697, the House of Lords committee on trade met to consider the effectiveness of the 1696 Navigation Act. They ordered the Board to send them a copy of their commission together with an account of their activities, and asked what recommendations the Board would make to enforce the 1696 Act. The Board presented their

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[57] CO 5/1287, pp. 29-30, 34-35.

report to the Lords on February 15, and stated their strong determination to set up Admiralty Courts in all the colonies, in accord with the provisions of the bill. [58] The Lords were very interested in this matter and commanded the Board to produce copies of any representations they had made on the subject of colonial Admiralty Courts. The Board was also to acquaint the House with any advances they had made in securing royal approval of the proprietary governors as provided for in the act. [59]

Blathwayt had wished to include a recommendation in the Board's report that Parliament should consider resuming the charters of the proprietary and chartered colonies to the crown because of their antagonism to the Acts of Trade. He had not been supported in this matter by the other members of the Board and the matter had been dropped. [60] This attitude was not surprising considering that Locke, whose philosophy was based upon the sacred nature of private property, was sitting upon the Board. Probably no policy of James II had caused so much ill feeling as his suspension of the borough charters by writs of *quo warranto*. Any interference with the colonial charters might have revived fears of pre-revolution interference with local corporations, a measure that William avoided throughout his reign. The members of the Board, except for Blathwayt, did not realize that having Parliament revoke offending charters

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[58] Stock, p. 191.
[59] Stock, p. 192.
[60] Steele, pp. 62-63.

would effectively forestall any accusations of tyranny. Parliament would probably be happy to demonstrate its new found sovereign powers. Blathwayt would have to wait before his ideas became acceptable to the other members of the Board.

The confusion by the Board members was understandable for the results of the Glorious Revolution were still unclear at this time. There was general agreement that the powers of the monarch had been limited, yet William's prerogative powers were certainly as extensive as those James II had enjoyed. But while the changes that had been wrought by the Revolution remained uncertain, the English people believed that beneficial changes had occured. The Members of Parliament were willing to extend their powers to accentuate their new sense of purpose. Blathwayt, in spite of his Tory sympathies, understood the new mood of expectation, probably as he was a member of the House of Commons at this time. He realized that Parliament, although it might not actually move against the proprietary charters, liked to feel it had the right to do so.

Randolph had been attending the Lord's committee on behalf of the Customs Office and had interested them in the matter of abuses committed by the proprietaries in spite of the 1696 Act. The continued lack of obedience, especially of the clause requiring all proprietary governors to be approved by the King, demonstrated the incompatability of the proprietaries within the colonial system, Randolph told

the Lords. He suggested that the House consider a provision to "invest the government of all the Proprietaries in his Majesty." [1] The Board did not endorse Randolph's conclusion, but they did confirm the substance of his representation. Their concurrence caused the Lords committee to require the proprietors to appear before them to answer for their conduct. [2]

The proprietors briefly attended the committee's hearings, but only William Penn made any prolonged defence to the accusations made against the proprietary governments. Penn defended his right to appoint whom he wished as governor, and said that in spite of Randolph's accusations, the Acts of Trade were obeyed in Pennsylvania. Any lapses were Randolph's responsibility, for he was the one charged with enforcing the law. When asked why the Lords should not put the government of the proprietaries in the King's hands, Penn protested that such a move would make his property valueless and that the loss would ruin his family. [3]

After considering all the evidence, the Lords instructed the proprietors to require their governors to give security for their conduct while in office, or, better yet, the proprietors should put up the bond for their appointees performance. The proprietors were admonished for their past conduct and made responsible for ensuring that their nominees observed the trade laws. Then, "if there be

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[1] Stock, p. 194n.
[2] Stock, pp. 194-195.
[3] Stock, pp. 195-196, 198, 200.

further complaint against the proprietors after this, the Parliament may possibly take another course in this matter, which will be less pleasing to them." [44] This final statement, while seeming to threaten action against the charters, was only rhetoric as the Lords had no plans to move against the proprietor's colonies. Penn and the other proprietors were left to consider this exhortation which did not specify the consequences of further neglect of the Navigation Acts.

These threats were codified in the Lords Address to the King on the state of English trade. This Address was presented to the King on March 18 and was the conclusion of the committee on trade after their hearings. It was clear to the Lords that the trade laws were commonly ignored, which, dismissing the effects of the war, was ascribed to the insolvency of colonial officials or their complicity with illegal traders. Royal governors were to be warned that such connivance could lead to the loss of their office and other marks of displeasure. Controlling the proprietary governors was more difficult, however, and the Lords adopted a controversial means of ensuring the compliance of those colonies. They suggested that the proprietors be required to give security for the conduct of their nominees before they could be approved by the King. [45] This Address provided another check upon the proprietary governments but its enforcement was to prove very difficult, and the impact of

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[44] Stock, p. 202.
[45] Stock, pp. 205-206.

this Address was small, even though the Board tried dilligently to implement its suggestions.

In May the Board wrote to the proprietors concerning the proposed bond which the proprietors would give as security for their governors behavior. Their reply dismissed the entire initiative, stating that the recent Act of Parliament had put the approbation of their governors in the hands of the King. Thus they could not be expected to give security for the people so appointed. [1] The Board's response was to produce a draft of instructions for the various colonial governors, based upon the suggestions contained in the Lords address to the King. It was mostly a review of the provisions of the Acts of Trade except for the last clause which specifically threatened the proprietaries. This clause made it clear that the great abuses of the Acts of Trade that had occurred in the past would no longer be tolerated. In the future any failure to enforce the trade laws would be considered grounds for a forfeiture of the offending colony's charter. [2]

Later in May the Board was asked to confirm the nominee of the Jersey proprietors for governor, Jeremiah Basse. The Board's response was to inquire about security for Basse's conduct and when such a bond would be forthcoming. Basse, with rare self confidence, informed the Board that they would not be acting in their best interests if they did not appoint him. He had a "just aversion" to pirates as a result

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[1] CO 5/1287, pp. 73-76, 80.
[2] CO 324/6, pp. 143-165.

of an encounter with a group of them, and so no requirement of security could make him any more adamant in his duty to the King. He "would do more from zeal and good affection than from fear of penalty or damage." As his stay in England was short, Basse informed the Board that he wished his confirmation hurried. [8]

Though impressed by his zeal, the Board informed Basse that the requirement for security could not be waived. They also asked for more information about piracy in the colonies. [9] Basse's answer gave information about piracy in all the northern colonies, but little satisfaction on the matter of security. Basse could not understand why the Board kept reviving the issue, for he found "the Proprietors more and more averse to it, thinking it a great hardship." [10] Basse sailed for New Jersey without being confirmed in his post. This haste was unfortunate for Basse was not yet the legal governor under the new regulations, and the population of New Jersey refused to acknowledge his authority.

There were few matters of great import during the summer of 1697. Randolph was leaving for the colonies to resume his duties as Surveyor-General and the Board would sadly miss his advice. He was encouraged to remain in communication, as the Board was "sensible of [his] great knowledge and experience in all matters relating to the advantage of the plantations." [11] Many letters were being

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[8] CO 5/1287, p. 77, 82, 85-90.
[9] CO 5/1287, pp. 92-93.
[10] CO 5/1287, pp. 94-98.
[11] CO 324/6, p. 138.

received from the royal colonies, all mentioning the difficulty of preventing illegal trade during wartime. The war was still stifling any initiative by the Board's members, and arranging convoys was still their greatest responsibility.

Lord Bellomont was ready to set out to New York to relieve Fletcher in the fall of 1696, but was having trouble arranging transport for himself. The Board took advantage of the delay to draw up detailed instructions for him about every possible question connected with New York. Bellomont's main responsibility was to execute the Acts of Trade, but he was also to report on the conduct of Rhode Island and Connecticut, investigate the defences of the northern frontier and suppress piracy whenever possible. Almost every problem that Fletcher had mentioned in his reports was addressed in Bellomont's commissions. [72] Bellomont was also asked to investigate Fletcher's misconduct, although this was not a major responsibility. He was the first royal governor that the Board had had the opportunity to draw up detailed instructions forand the Board took every opportunity to impress him with its power and his responsibility.

The Peace of Ryswick, which ended the War of the League of Augsburg, was concluded on September 10, 1697. Now the Board could concentrate on matters other than defence. During the first year of their existence the Board's members

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[72]CSPC 1696-1697, #891, #1091, #1286, #1288, #1386.

had made some progress in defining a program they wished to implement, one that would more effectively integrate the English imperial trading system. This was in accord with the stated objectives of the Lords of Trade, but the Board had an advantage over the former agency. The new Parliamentary Act of 1696 gave the Board better means by which to compel observation of the Acts of Trade than the Lords of Trade had possessed. The Board also had experts such as Randolph to give them advice on how to best enforce the new act within the proprietary colonies. The end of the war with France gave the Board the opportunity to initiate their new program.

III. Manifold Mischiefs and Pernicious Practices

Problems of trade had occupied only a small part of the Board's attention during the war as defence considerations had clearly been paramount. This focus was reversed after the Peace of Ryswick, in late 1697, as the requirements for defence were eased and the Board was able to devote its attention to restructuring the decayed imperial system. Observance of the Acts of Trade during hostilities had been, at best, cursory in the colonies. Now it was essential that the Board make clear to the colonies their responsibilities under the trade laws. The Board began to determine its priorities, based upon the strict construction of the Acts of Trade that had guided the Lords of Trade; the immediate one being the suppression of piracy. They were also intending to act upon the many reports they had received about the thwarting of the trade laws in the majority of the colonies. Whether these reports were an exaggeration or not, the members of the Board chose to believe them and they were a basis upon which to act and identifiable offenses upon which to concentrate. But before the Board could begin to implement its own programs there were still problems to be settled that had originated during the war.

The Board was frequently consulted about the provisions of the peace settlement with France. The Peace of Ryswick sought to re establish the pre-war status quo or to make exchanges to both country's mutual advantage. Information from the Board was useful in establishing England's

bargaining position on questions concerning the West Indies, Newfoundland, Hudson Bay, Nova Scotia and the American frontier. Correspondents warned the Board to be wary of the French and to use this period of peace to stop their encroachment on the northwestern frontier. [73] It was clear that this 'peace' was regarded as a truce by both combatants. The Board remained concerned about defence, even though its major emphasis was now to be the reestablishment of the trade laws. [74]

The first months of peace also produced a spate of communications from various colonies in which the incumbent governors were attacked for their conduct during the war. Governors Beeston of Jamaica and Codrington of the Leeward Islands, in particular, were the subjects of villifying attacks on their reputations and abilities. These accusations were unconvincing, motivated as they were by the personal spite of the accusers rather than by any true wrongdoing. The Board realized this and they stoutly defended the two officials.

The case against Governor Fletcher of New York was much stronger, however. It had been building ever since the Board took office and he stood accused by many sources of fraud, election tampering, and most seriously, of harboring and abetting pirates. The Board believed that Fletcher had misappropriated public funds for his own use, and as his

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[73] CSPC 1697-1698, #21.

[74] For the details of the Ryswick settlement see G.H. Guttridge, *The Colonial Policy of William III in America and the West Indies* (Cambridge: 1922).

return was imminent, the Board decided to support Bellomont by taxing Fletcher with all the charges they had compiled. If Fletcher's reputation was damaged then Bellomont's position in New York would be more secure, for the majority of the colony's merchants preferred Fletcher's lax enforcement of the Acts of Trade. Fletcher himself had no doubt that his tenure had been greatly appreciated, thanking God that his endeavours to improve the province had not been ineffectual. [75] The Board had no powers to punish colonial governors for offences committed while in the plantations, but could recommend that the Privy Council prosecute Fletcher.

The Board seemed confident of its ability to judge the reliability of any reports they received against their colonial officials. A governor who was markedly dishonest and lax in his duties invariably attracted many complaints, far more than would a governor who was in difficulties with a particular faction. It was essential, however, that any accusations be confirmed by sources the Board was certain it could rely upon, such as customs officers or other royal officials.

Any colonial official was vulnerable to itinerant accusations, an especially disturbing prospect as it was difficult to make an answer to any charges while still in America. Governor Markham of Pennsylvania, William Penn's deputy governor, had been a target for this type of

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[75] CSPC 1697-1698, #48.

correspondence, an occurence which Penn deplored. He was even more disturbed when it appeared that the Board believed the accusations that Markham was lax in his observation of the trade laws. Penn demanded that Bellomont, upon his arrival in New York, should have occasion to investigate these charges and promised that "upon his report to the [Board] I shall act to their satisfaction." ''

The Board believed that Markham was guilty of misconduct because of the quality of the accusers and not the quantity of the accusations. Nicholson, who was now the governor of Virginia, was among the first to intimate that Markham was conniving with illegal traders and pirates. His evidence was confirmed in greater detail by Robert Quary, Randolph's choice as Admiralty Court judge in Pennsylvania, who was then in London. '' As well, evidence of the support of the proprietary colonies for piracy had been received from a source the Board could not ignore, the East India Company.

The first intimation the Board received of the extent of colonial participation in piracy was in December of 1696 through a communication from the Secretary of the East India Company. This report concerned the colonial ports from which pirate vessels active in the Red Sea were alleged to have originated. This startling document accused almost every colonial port of complicity with pirates and illegal traders. The evidence consisted chiefly of depositions taken

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''CO 324/2, no. 2.
''CSPC 1696-1697, #1331, #1338.

in the summer of 1696 from former sailors on these ships. [78]

During the war with France a great many English ships had received privateer commissions which enabled them to take any French ship as a prize in return for losses sustained due to French depredations. This undertaking proved to be so profitable that after the war, the change from privateer to pirate was made with little difficulty. The Red Sea was the favorite haunt of these men, for the area hosted a large amount of maritime commerce and was policed inadequately. These illegal interlopers were so successful that they began to threaten the East India Company's control of the Indian trade, upon which the Company petitioned the Crown for assistance in removing this threat. According to the Company's evidence, most of the pirate ships active in the Red Sea had originiated in the American colonies and were being supplied by traders from the colonial ports.

Singled out for their support of piracy were Boston and Rhode Island, where many of the ships had originated; New York, where Fletcher provided encouragement and protection; Bermuda, where Governor Trott profited greatly from the pirate presence; and the Carolinas, considered to be the greatest pirate haven. Profits from these pirate cruises to the Indian Ocean were incredible. Two prizes, taken by one captain within twenty-four hours, yielded up 60,000 and 180,000 pounds in gold and silver respectively. However,

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[78]CO 324/2, no. 25.

many of these ships belonged to the Indian Mogul Emperor who blamed all Englishmen for the depredations. The East India Company was very concerned that the trade with India might be lost.

In response to this letter the Board sent out instructions to the proprietaries asking that more effectual laws for the prevention of piracy be implemented. More stringent measures could not be considered during the war, as many of the pirates were ostensibly privateers commissioned in the colonies. After the proclamation of peace voided the letters of marque of these privateers, the Board asked Charles Hedges, Lord of the Admiralty, if colonial Admiralty Courts had any jurisdiction to try piracy cases and if such a crime could be treated as a capital offense. '' Hedges attended the next meeting of the Board to inform the members that the Courts could not actually try pirates unless they were first enabled by local legislation. Otherwise any suspected pirates would have to be sent to England for their trial. The Board decided that they would send letters to all the colonies recommending the passage of such legislation.

On December 9, 1697 the Board wrote to the King to explain this initiative. "Manifold mischiefs" have taken place in the colonies as of recent times, they exclaimed. Pirate vessels were fitted out and return securely to various colonial harbours, "more particularly in Proprieties

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''CO 391/10, p. 354.

and Charter Governments", a situation that jeopardized England's sea trade and which prejudiced other powers and states against England. ** This trend had to be reversed and the Board went on to explain that the best remedy would be a law enacted by Parliament to apply throughout all the colonies making piracy a capital crime. Until this initiative gained royal approval, the Board proposed to send letters to the various colonial governors advising them to enact local laws to provide for the trial of pirates in the Admiralty Courts.

In this report the Board ignored the leading role that New York, a royal colony, played in the encouragement of piracy. Instead the role of the proprietary and chartered colonies was emphasized more than the Board's information warranted. The Board seems to have chosen this method to make the King aware of how limited his authority was in the non-royal colonies. While the situation in New York could be promptly dealt with by recalling Fletcher, there were no disciplinary measures available to correct the abuses of the officials in the chartered and proprietary governments.

In their response, the Privy Council promised to consider the Board's letter, but as more information on piracy had recently become available, the Council wished to hear their thoughts about these new developments. This information primarily consisted of a letter from the East India Company in which were recounted piracies committed in

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**CO 324/6, pp. 211-213.

Persia and India by Englishmen. The sources of the letter were the princes and other government authorities of these affected regions whose attitude towards England had been markedly less friendly since the increase in pirate activity.

The report concentrated upon the terrible clamour occasioned by English pirates whose crimes were harming not only the Mogul Emperor, but also the native merchants of the Persian Gulf and the Indian coast. The East India Company had also lost many ships, but it stood to lose more than just its carriers. It was likely, unless immediate steps were taken to suppress these pirates, that the Company might lose their trading rights in the region. The Indians were likely to take revenge upon the Company's factories and employees for their losses, while the factors faced danger from the pirates as well. [1]

These pirates, who were said to originate from the West Indies, New England and New York, had a nest on an island just off Madagascar, which was the source of their menacing activities. The Board was commanded by the Privy Council to consider the means necessary to destroy this haven. Using information garnered from this last letter, the Board wrote another series of recommendations for the King. This latest communication contained the Board's observations on how best to contain piracy in the Indian Ocean. The Board argued that the source and support of the pirates, which in their

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[1] CO 324/6, pp. 226-228.

opinion was the proprietary and chartered colonies, had to be brought under control. If the security called for in the Lords Address was enforced, the situation would be greatly relieved as wanton cooperation with pirates would cease. As for the pirate stronghold, if the King was satisfied with the information furnished by the East India Company, the Board was prepared to recommend that a small fleet be dispatched to the area to reduce the settlement and scatter the pirates. [82]

While awaiting the reply of the Privy Council to their latest set of ideas, the Board received some further testimony from the East India Company. Among this collection was a depostion from a Mr. Henry Watson, the personal physician to the King of Mocha, who had escaped after enduring four months of captivity among English pirates. According to Watson the pirate vessel had been captured from the French in Canada and commissioned as a privateer by Governor Fletcher. It had then been fitted out in Rhode Island, with both Fletcher and the Governor of Rhode Island well aware of its intentions. The Company concluded with the admonition that "whereas the English nation has been respected it is no longer and the dissaffected employees of the Company are running away to become pirates." [83] The Board informed the Company that the Privy Council was considering the matter.

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[82]CO 324/6, pp. 222-225.
[83]CO 324/2, nos. 90, 94.

The Board sent off a further distillation of the evidence it had received to the Secretary of State at the end of February, 1698. They repeated their suggestion about an expedition to Madagascar, but as it would particularly benefit the East India Company, the Board wondered if they should not bear half the cost. Once again the Board emphasized the role of the proprietaries in supporting piracy. If this situation was not addressed, the Board saw no alternative but to ask for Parliamentary support. [44] The reply to this letter was prompt. The King approved the Board's plan to send a squadron to destroy the pirate settlement. Also approved was the Board's suggestion that uniform local laws concerning pirates be enacted in the colonies to enable the colonial Admiralty Courts to try piracy as a capital offense. [45] This was obviously a topic that interested the Privy Council, no doubt because of the threat to the East India Company and the customs duties paid by that Company.

The Board was becoming adept at interesting the King's ministers in the policies they were advancing. The crown recognized that any law against piracy, whether passed in Parliament or in the colonies, would strengthen the newly established Admiralty Courts. So the Privy Council was willing to facilitate the Board's efforts to correct abuses in the colonies. The Board's members structured the choices they presented to the King so that a decision benefitting

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[44] CO 5/1287, pp. 245-249.
[45] CO 324/6, pp. 248-249.

the Board would be made.

After consulting the East India Company the Board submitted a plan of operations for the punitive expedition against the pirates, including strategy and tactics. On the prompting of the Company, the Board suggested to the Privy Council that the King send out a proclamation prohibting all subjects from assisting, corresponding or trading with pirates. [4] The Board still asserted that the most effectual way of combating piracy was through an Act of Parliament. The Secretary of State, replying to this final admonition by the Board, asked that they consult the Attorney and Solicitor Generals as to what provisions such a bill should contain. [5] So throughout April and May of 1698 the Board considered the draft of a bill for the trial of pirates in the plantations. They were especially concerned that the bill not be seen as too harsh, as this might threaten its passage. [6] The Board hoped that Parliament would continue the initiative they had began with the 1696 Act and the Lords Address in 1697 and continue to find better ways to enforce the Navigation Acts.

Meanwhile, the Board prepared letters to the proprietors and to the chartered colonies urging them to adopt a model act designed to suppress piracy. [7] Letters to the royal governors were also drafted, but the Board was able to command these officials to ensure the passage of the

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[4] CO 324/6, pp. 253-260.
[5] CO 5/1287, pp. 261-262.
[6] CO 324/6, pp. 284-285.
[7] CO 5/1287, pp. 200-201.

legislation and then to report upon its effectiveness. The Board was manifesting a profound mistrust of the proprietary colonies.

The Board's energy in the more mundane matters of colonial administration was becoming apparent. Piracy was their main interest, especially as it was the aspect of their work which commanded the most attention from the Privy Council. But the Board also paid strict attention to the internal affairs of the colonies. It requested, for example, that all colonies submit copies of their laws, which would be turned over to the Solicitor General who would disallow any laws contrary to those of England. This zeal for reorganization was evident in other matters. Edward Randolph, although approaching seventy years, was still very active in the colonies and kept sending back reports of his actions to the Board. He was hard at work executing his commission of establishing Admiralty Courts in the various plantations while also administering oaths to the various governors to observe the Acts of Trade. With his experienced eye for irregularities, Randolph was difficult to fool, and few colonial officials were zealous enough for his liking.

Randolph was suspicious of Governor Markham of Pennsylvania. Markham, commented Randolph in a letter, was ill pleased when the oath was administered to him even though Randolph felt that he had little intention of abiding by it. ** In fact Randolph asserted that piracy was still

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**CO 324/6, pp. 301-303.

actively encouraged while he was in the colony and that Markham could scarcely be less enthusiastic at the prospect of enforcing the King's laws. '' Pennsylvania was an arbitrary despotic government, concluded Randolph, in which no Customs officer could be secure for his life or his estate. The Board had to decide what action to take against Markham now that Randolph had confirmed the other evidence they had received of his misdeeds.

Randolph had also heard reports of wrongdoing in some of the other proprietaries, especially the Carolinas and the Bahamas. Governor Webb of the Bahamas was accused of being a scoundrel who seized vessels and then extorted money for their release with no regard for the King's law at all. '' Webb also had not been confirmed by the King as required in the 1696 Act, nor had any security been taken from the proprietors. '' Thus all the measures of the Act were of no effect at all unless they were applied to men like him. All would be well, however, if the King would only take control of the proprietaries.

Randolph's frustration must have been perfectly understandable to the Board, for all their efforts to compel the proprietors to give security for the conduct of their governors had failed. The proprietors reasoned that they were innocent parties who could be duped by a malicious appointee. Therefore it should be the governor who put up

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''CO 324/6, pp. 295-296.
''CO 324/6, pp. 303.
''CO 324/6, pp. 296-297.

security for his own conduct. '' In a sense the proprietors were correct, but as this security was the only method the Board had of controlling the actions of the governors in the proprieties, they were loath to be without it.

In spite of all their frustration, the Board must have been pleased that other royal officials in the colonies, besides Randolph, were demonstrating both an energy and a commitment to their tasks. Bellomont, the new governor of New York, was especially prominent, and Randolph characterized this new appointee as being strict in his observance of the King's instructions. Bellomont had entered upon his office with gusto, startling the colonial council by his violent denunciation of Fletcher for his past complicity with pirates, even including some of the present council members in his indictment. '' One member had allowed that Fletcher was almost certainly guilty, but that giving protection to pirates had not in the past been regarded as a great matter. Bellomont quickly disabused the council of that notion and commanded that Fletcher be sent back to England along with proofs of his guilt.

Taking note of Bellomont's actions, Randolph recommended him to the attention of the Board, calling upon them to help him in his actions against pirates and illegal traders by furnishing him with more patrol ships. '' For although New York was no longer a haven for pirates, to the

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''CO 5/1287, p. 194.
''CSPC 1697-1698, #433.
''CO 324/6, p. 301.

discomfiture of the ports' merchants, many pirates now sought refuge in New Jersey, Pennsylvania or Connecticut, out of Bellomont's jurisdiction. [97] Lt. Governor Usher and Basse of New Jersey confirmed Randolph's observation. Usher reported that pirate ships worth 200,000 pounds had been reported off the coast, enough to repay the King for any expenses he might undertake in the colonies. [98]

Bellomont was unpopular among certain sections of the New York population because of his firm stand against piracy. He told the Board that some merchants estimated that his administration was the cause of losing the city 100,000 pounds by his discouragement of piracy. So, there was little support for an act against piracy in New York. Bellomont also found time to complain of the attitudes of the people of New Jersey and Rhode Island towards piracy. [99]

Most of Bellomont's energy was expended in trying to discredit his predecessor, Fletcher, and his entire administration. Bellomont compiled evidence of Fletcher's crimes and despatched a special agent to England to bring these charges directly before the Board. These depositions from various New York citizens accused Fletcher of fraud, extortion, conspiracy with pirates and neglecting the defence of the colony. [100] Fletcher, who was aware of Bellomont's animosity, had appeared in London in July of 1698 and stated his intention to appear before the Board to

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[97] CO 5/1287, pp. 210-212.
[98] CSPC 1697-1698, #454.
[99] CSPC 1697-1698, #642.
[100] CSPC 1697-1698, #846, #859i-ix, #860i-iii.

"give an account of the province of New York and of my administration during the past six years." He was certain that the Board, "well knowing my integrity", would realize that Bellomont's charges were untrue. [101]

The Board was thrilled by Bellomont's enthusiasm, but as each communication from him contained only more charges against Fletcher, the Board began to worry about his obsession with the former governor. His ability to administer the plantation was being compromised as pro and anti Fletcher parties began to form, the former directly opposing Bellomont. [102] In an effort to end this inter-colonial strife, the Board finally drew up a formal list of charges against Fletcher and commanded him to appear before them and make what defence he could. [103]

The charges by the Board were specific and based upon information in the depositions conveyed to them by Bellomont. Fletcher was accused of protecting pirates for money, expecially one Edward Tew, a notorious robber, and that he connived with illegal traders and diminished the Customs revenue from New York. [104] Fletcher was dissappointed that the Board did not trust him and presented a very clever defence to the Board's members in December, 1698. He grandly absolved himself from any intimation of wrongdoing and undertook to smear his enemies. [105] It was a

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[101]CSPC 1697-1698, #657.
[102]CSPC 1699, #66.
[103]CSPC 1697-1698, #1005.
[104]CSPC 1697-1698, #1007.
[105]CSPC 1697-1698, #1077.

clever and effective document that twisted every circumstance to Fletcher's advantage. The hearing was continued into the New Year.

The Board believed the majority of the charges, but did not have enough hard evidence to convict Fletcher. For example Fletcher explained his intimacy with Tew as follows: "this intimacy proceeded only from the pleasantness of his conversation and the information [I] thereby received about things observed by Tew in his voyages, together with a desire to reclaim Tew from an evil habit he had got of swearing." [106] Explanations such as this abounded in Fletcher's deposition, and the Board refused to accept his defence. Although the Board recommended to the King that the Attorney General pursue the matter of Fletcher and his crimes, the evidence was either destroyed or too difficult to compile and the former governor was not prosecuted further. [107]

Randolph continued to travel throughout the colonies, his energy and enthusiasm apparently being inexhaustable, fuelled in part by the satisfaction of realizing that his efforts were well appreciated. In May of 1698 he travelled to Rhode Island, where the incumbent governor left office rather than take an oath to obey the Acts of Trade. This was ostensibly because he was a Quaker, but Randolph observed that the new governor was only a figurehead while the

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[106] CSPC 1699, #167.
[107] Fletcher retired to Ireland after this affair and died in 1703 , to the great joy of his detractors.

Quakers still ran the government to the King's disadvantage. The colony also refused to erect Admiralty Courts in spite of the King's direct order. Randolph also found instances in which government officials directly countenanced piracy. [108] This letter was bound to influence the Board which had already determined to move against the colony.

The Board finally decided that Rhode Island, by its refusal to erect Admiralty Courts and its predilection for disregarding royal commands, symbolized what was wrong with the imperial system and was thus to be made an example of. In a letter to the King the Board complained that Rhode Island's misdeeds had "been so often complained of, and the instances so manifest, that we cannot doubt it, and we are confirmed therin by the letters of Lord Bellomont and Mr. Randolph." [109] The Board was given the authority to appoint Bellomont to investigate Rhode Island's conduct with a view to serving a writ of *quo warranto*. The Board was at a loss how to make the non-royal colonies obey their strictures. It was hoped that the threat of *quo warranto* would be sufficient to ensure the obedience of the colony, and it is doubtful if the Board expected the King to actively endorse their initiative. What was evident is that the Board's members were growing tired enough of the uncooperative attitude of the non-royal colonies to threaten a course of action that would not have been considered in 1696.

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[108] CO 324/6, pp. 362-367.
[109] CO 5/1287, pp. 275-281.

On February 13, 1699, the Board wrote to Rhode Island warning the government of the great dissatisfaction in London with their conduct. The Acts of Trade were again recommended to the government's attention and the Board gave the colony to understand, once more, that a careful attention to them would be "the most effectual means of wiping off the ill repute which has lain upon [your] government." [110]

The Board then prepared Bellomont's instructions as to the investigation of Rhode Island. Henry Ashurst, the Massachusett's colonial agent was asked to furnish a list of queries to be put to the island's government. He proved very willing to provide information which was to be used to embarrass Rhode Island. He specifically recommended that investigations into the establishment of the Admiralty Courts be undertaken and that care be taken to find out how forfeitures and seizures were presently prosecuted. [111] Bellomont's final instructions incorporated much of the agent's advice. [112]

Bellomont and the other royal governors had recently received copies of an order pardoning those pirates who surrendered before August 1699. [113] This proclamation was intended to give those seamen who were dissatisfied with freebooting a chance to rehabilitate themselves. It would also make the task of suppressing piracy easier if most

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[110]CO 5/1287, pp. 306-308.
[111]CO 5/1287, pp. 309-318.
[112]CO 5/1287, p. 318
[113]CSPC 1697-1698, #882.

pirates were to take advantage of the pardon. The only exceptions to the proclamation were Henry Avery, a marauder whose success was an embarrassment to the entire English navy, and William Kidd, a ship's captain from New York whose later fame was out of all proportion considering his meager success as a pirate. '[114]

Kidd had been commissioned to hunt down pirates in the Red Sea by a syndicate that contained an assortment of prominent Whig politicians: Shrewsbury, the Secretary of State; Somers, the Lord Chancellor; Orford, Lord of the Admiralty; and Bellomont, were all concerned in Kidd's voyage. Their interest in Kidd's mission was soon to prove damaging as news was received in London from the East India Company in 1698 that Kidd had turned pirate. '[115] The consequences of Kidd's actions were to be extremely embarassing to these backers. Bellomont, for one, was determined to amend his mistaken judgement and repair his reputation.

On July 6, 1699 Bellomont wrote to the Board to inform them that he had just captured Kidd, an announcement which rebounded greatly to his credit in London. Kidd had been sighted off the coast of the American colonies since the middle of May, and his reception had been the first indication he had received of his criminal status. He sold one of his ships and some goods in the West Indies and had to flee when royal officials on Nevis became aware of his

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'[114]CSPC 1699, #15.
'[115]CSPC 1697-1698, #723, #733; BL Add MS. 40722, f.341, 342.

presence: '''' The fugitive had next been sighted by Quary, who had been disgusted by the Pennsylvania government's refusal to raise a ship to pursue the pirate. Some of Kidd's men had been put ashore in the colony however, but Markham, after seizing their money and goods, refused to take further responsibility for them. Quary had to be content with sending letters to the royal colonies advising them of Kidd's presence on the coast. '''

Basse in New Jersey saw Kidd as well, but the pirate vessel was too swift to catch. '''' Finally Bellomont, who was in Boston, was able to catch his former protegee. Kidd, doubtful of Bellomont's attitude, had landed outside the colony and contacted Bellomont, protesting that any charges against him were a trumpery and that he could prove his innocence, his men having locked him in his cabin while they robbed several ships. Bellomont, temporizing for a just cause, told Kidd that if he were as innocent as he claimed, and could prove it, a pardon would be issued. Kidd then surrendered to Bellomont, and in spite of the support of some local merchants, was arrested and charged with piracy, his defence obviously being unconvincing. '''

While in Boston, Bellomont was told that pirate gold was flowing into New York because of his absence. According to him the merchants regarded this as "the most beneficial trade . . . that was ever heard of" and avowed that "there's

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''''CSPC 1699, #404.
'''CO 324/6, pp. 42-47.
''''CO 324/6, pp. 33-41.
'''CSPC 1699, #621.

more got that way than by turning pirates and robbing." [120] As for Kidd, 14,000 pounds worth of his treasure had been recovered, a figure that obviously dissappointed Bellomont who had expected thousands more. Bellomont feared that Kidd's booty might tempt rescuers, so he forestalled any escape attempts by Kidd by asserting "the power of iron against gold" and putting the pirate in sixteen pounds of irons. He then informed the Board that "there never was a greater liar or thief in the world than this Kidd." [121] Bellomont then waited for the Admiralty to send a ship to New York to transport Kidd back to England to stand trial.

In Pennsylvania a problem with the Admiralty Courts was evident. Robert Quary, who had recently been appointed a judge by Randolph, wrote to the Board complaining that the colony's governor had passed a law that robbed the newly established court of any jurisdiction. This law stated that all trials concerning offences against the Acts of Trade would be tried by jury, clearly obstructing both the intent and the operation of the Admiralty Court. [122] Another law, this one removing any obligation on the part of Pennsylvania's inhabitants to take an oath on matters concerning the Acts of Trade, had also recently been enacted.

Quary was furious, and told the Board that these two measures had encouraged illegal trade in the colonies to

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[120] CSPC 1699, #675.
[121] CSPC 1699, #680.
[122] CO 5/1287, pp. 228-233.

such an extent that it had almost become unstoppable. In fact there was active defiance of Quary's commission. One elderly colonist was quoted as saying that "all who encouraged the erection of Courts of Admiralty were greater enemies to the rights and liberties of the people than those who promoted ship-money in the time of King Charles I." [123] The people were trusting to Penn's personal influence at court to save them and "their beloved profitable darling, illegal trade." [124] Randolph, when last in Pennsylvania, had been shamefully used by the government. Impunity for such defiance would only encourage similar actions in the other proprietaries. So, "[U]nless some speedy course be taken the King may save the cost of keeping officers here and summon them home", Quary told the Board. [125]

Quary was beginning to sound much like Randolph, and the Board was discovering that zealous colonial officials needed a great deal of support. Their demands for action, although justified in the eyes of the Board, were disconcerting in that the Board could not move very quickly on most of their requests. But a body of King's men were now in place in some of the colonies, and the Board was pleased that some of their initiatives were being implemented.

In Pennsylvania the Board could not move fast enough to suit Quary who showered the Board with another series of complaints about the province. The situation had reached the

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[123] CO 5/1287, pp. 292-296.
[124] CO 5/1287, pp. 263-269.
[125] CO 5/1287, p. 250.

point where the King's officials were being bullied and threatened for performing their duties. Quary had held an Admiralty Court session outside of Philadelphia, where he was not allowed in his official capacity, but his decrees and judgements were ignored by the general populace. [126] Randolph had heard of Quary's situation and added his voice to that of Quary, telling the Board how dangerous such a situation could be. [127] In his exasperation, Quary wrote to the Board, sardonically informing them that they no longer had to bother with Pennsylvania:

> if affronting His Majesty in their open courts, if forcibly taking prohibited goods under seizure out of the King's stores and delivering to the person that illegaly imported them without any trial, . . . if making an Act of Assembly in opposition to an Act of Parliament in England on purpose to destroy the powers of the Admiralty and erecting a Court of Admiralty of their own for seizing and trial of ships . . . if these and abundance of other matters formerly laid before you are so easily blown off, I know not what it is they may not pretend to do in this Government. [128]

Even as Quary was finishing this diatribe, the Board was receiving instructions to consider the evidence compiled by the Customs against Markham of Pennsylvania. Much of the evidence proved to be from Quary's letters or Randolph's testimonies. News of the subversion of the Admiralty Courts was enough to get an inquiry started. [129]

The Board's answer was a summary of all the discreditable information they had about Markham. They

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[126] CO 5/1288, pp. 11-20.
[127] CO 5/1287, pp. 373-377.
[128] CO 324/7, p. 20.
[129] CO 5/1288, pp. 8-9.

recommended that he be displaced, that Admiralty Courts be immediately restored, Customs be encouraged and an anti-pirate bill be passed. As Penn was going to visit his colony, the Board was sure that he would see to these requirements as ordered by the King. [130] On September 12 the Board sent Quary a letter telling him of Penn's instructions. [131]

A letter from Bellomont, received late in the year by the Board had more news of pirates. Bellomont especially wanted to return Kidd to England, for he was a difficult charge. One of Kidd's many colonial accomplices had just been captured. He had fled to Connecticut and thinking himself safe, wrote to Bellomont's Lt. Governor "a very saucy letter, and bade us defiance." However, Bellomont managed to prevail upon the Connecticut govenment to give up the man, and he lay in prison in New York, an ending that gave Bellomont great satisfaction. [132]

Orders had been sent from England commanding Kidd's presence, along with proofs of his guilt and all confiscated monies. [133] The ship which was to transport Kidd was delayed in harbour, though. In the meantime Kidd's case had become the focus of a political controversy as the role of Lords Somers and Orford in his voyage became public knowledge. The Tory majority in Parliament was quick to take advantage of the scandal and on December 1 the Board was asked to lay

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[130]CO 5/1288, pp. 20-32.
[131]CSPC 1699, #779.
[132]CSPC 1699, #878.
[133]CSPC 1699, #1016.

before the Commons all the information they had on Kidd and his piracies. '[134]

The Board was quick to comply and sent off what information they had. Kidd had not been a particularly successful pirate, taking only a few prizes, and very few of his crew had accompanied him back to America. He had first received word that he was an outlaw in the West Indies, and the hue and cry was so great that no one would shield the unfortunate pirate. Kidd could be glad of the fact that it was Bellomont, an old acquaintence who captured him instead of a person from the proprietary colonies, or, even worse, Edward Randolph.

Continuing his tour of the American colonies, Randolph next went to Bermuda, a very unfortunate choice. Upon his arrival in the spring of 1699 he found the Customs officer and the governor feuding. Inquiring into the causes of the disagreement Randolph found reason to complain of Governor Day, and embodied these complaints in a letter to the Board. It seems that Day resented the interference of the Customs officer in the matter of seizures for illegal trade as Day liked to work out his own options for the masters of impounded vessels. '[135]

Scant days later Randolph found himself in prison upon Day's command. Day sent full details of the case to the Board and accused Randolph of "pernicious and corrupt practices" designed to bring him into disfavor with the

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'[134]CO 324/7, p. 134.
'[135]CSPC 1699, # 326.

Board. Day appended some rough drafts of Randolph's latest letter to the Board as evidence for the charge. [136] Randolph having told Day that he had every right to ask the government to account for itself, was soon secured upon the governor's representation. Randolph, writing from prison, reminded the Board that they had requested that he provide them with detailed accounts of his travels. Being persecuted was not an unknown position for Randolph, but with the Board behind him he was brashly confident that the orders for his release would immediately be issued once news of his imprisonment was known in London. [137]

Randolph was correct in his assumption that the Board would support him entirely. Information about his arrest reached England in early July and the Board immediately issued a command for his release. [138] Another letter was also sent, castigating Day for his "unexampled presumption" and warning that he "could not well have contrived anything more prejudicial to [him]self." [139] The Board then began to prepare a case against Day, warning the king that he was likely was guilty of more crimes than those which Randolph accused him. No evidence had been forthcoming because of Day's habit of forbidding the taking of depositions in his colony. [140] The Board asked Day if the lack of information about his administration was an "omission designed to cover

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[136]CSPC 1699, #416.
[137]CSPC 1699, #438.
[138]CO 324/7, p. 57.
[139]CSPC 1699, #658.
[140]CSPC 1699, #668.

disorderly practices". [141]

Day began to worry about having imprisoned Randolph. He sent letters to some of the other colonial governors, some of which were promptly submitted to the Board, stating that Randolph had accused all mainland governors of complicity with illegal traders. [142] This artifice of Days, to generate support for his action, indicated that he was frightened of Randolph's reputation and for the future of his own career. However Randolph still remained a prisoner at the end of 1699, even though he was confident of being quickly released. [143]

Randolph had good reason to feel confident as the Board was demonstrating its commitment to enforcing the Navigation Acts in the colonies. This meant protecting those individuals who were the crown's representatives in the colonies, an action the Board was willing to take. The support of the proprieties for piracy, as attested to by the East India Company, had made them an obvious target for reform and the Board was confident that either the King or Parliament would move against these colonies. When the trade of the kingdom was threatened, especially trade with the east, the English government was quick to react. The Board, because of the information they were receiving from their correspondents, was the obvious source of this reform, a

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[141]CSPC 1699, # 800.
[142]It was Bellomont who brought these letters to the attention of the Board. He appeared to be concerned that the Board might actually believe the accusations Day had made. CSPC 1699, #929.
[143]CSPC 1699, #1086.

fact that both the executive and the legislature recognized.

By 1699 the Board was conversant with the internal affairs of all the colonies under their administration. Reports from Randolph and other colonial officials insured that the Board was well informed about the peccadilloes of the proprietary colonies. As these reports accumulated, and evidence of how evasions of the trade laws went unpunished in the proprieties mounted, the Board lost patience with the non-royal colonies. The members were attempting to fulfill the requirements of their office, but were constantly frustrated by the proprietors. The Board began to consider methods to ensure that the proprieties complied with their policies. Correspondents from the colonies were very willing to tender advice to the Board on how to better control these recalcitrant colonies.

IV. High Crimes and Increasing Misdemenours

By 1700, the Board's members were clear about their priorities. Their most pressing concern was still piracy, but this concern was being used to solicit action in other, related areas, all of which concerned the need for a greater degree of internal control in the non-royal colonies. Especially significant to the Board was that they still had no means of regulating the actions of the governors in the proprietary colonies. Until these colonies could be brought under a closer supervision, it was obvious to the Board's members that their initiatives would continue to be of little practical value.

The Board had been gathering information about the abuses prevalent in the proprietaries since their inception, and were now in a position to make use of these facts. The negative effect of piracy on English trade and the political repercussions of William Kidd's capture had been to the advantage of the Board. Both the Privy Council and the Members of Parliament now showed interest in colonial affairs. If the Board was careful to exploit issues that interested both the executive and the legislature, they would be able to advance their own policies.

Great confidence was the hallmark of the Board's actions during 1700. Events since their creation had convinced the members that the proprietary colonies needed their freedom of action curtailed. Colonial correspondents had been invaluable in bringing the misdeeds of the

proprieties to the Board's attention. The Board had fully digested the information they had received, and their conviction reinforced that of their colonial informants. The Board was convinced that immediate action against the proprietary colonies was both necessary and desirable. This was the goal towards which the Board moved throughout 1700, and with some success.

By the spring of 1701 the Board had gained the backing of the House of Lords for their proposal to reunite the charters of the non-royal colonies to the Crown. This chapter will outline the events that the Board was able to use in convincing Parliament that such a measure was needed. Ironically, the problems that the Board faced during 1700 and the early months of 1701 were far less serious or obstructive than had been the case in 1698 or 1699. But the Board's patience had been eroded, and, encouraged by their correspondents, the members determined to end these difficulties in the most expedient way possible.

Early in 1700 Red Sea piracy was no longer the problem it had been for the past few years, a development the Board should have found encouraging. The energetic actions of the Board and the rest of the English government in sending a naval squadron to the area to destroy pirates and protect the East India Company's ships had made pirate operations too risky. So the pirates had shifted their operations to the coasts of the American colonies. There, as the Board informed the King, they had steadily increased in strength

"to such a degree that the apprehensions of future mischief may not only be from single ships, but from squadrons." [144]

The Board had not exaggerated the situation; reports from the colonies suggested that they were almost in a state of war. The minutes of the Virginia council indicated the serious nature of the problem. Naval ships were being detailed to convoy merchant ships through areas where the greatest danger from pirates was apprehended. [145] The greatest amount of discussion at the council meetings centered upon the activities of the pirates and the danger they threatened to the colonial merchants. [146]

In considering the Board's warning, the King decided that the only effectual remedy to this menace would be a law passed in Parliament to apply throughout all the colonies, consistent with the Board's suggestion of a year ago. [147] The alternative, having more ships patrol the American coasts in order to protect the maritime commerce was rejected, as it was too expensive and the results uncertain. The proprietary and chartered colonies had been given the opportunity to enact their own laws against piracy, and their failure to cooperate had determined the King upon this course of action. [148] The bill which was to be used was the one Charles Hedges, the High Judge of the Admiralty, had drawn up by command of the Secretary of State in 1698.

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[144]CO 324/7, pp. 106-109.
[145]CSPC 1700, #395.
[146]CSPC 1700, #405, #501.
[147]CO 324/7, pp. 114-116.
[148]CO 324/7, pp. 63-72.

Parliament took a great interest in the proposed Act to suppress pirates, their interest having been whetted by the debates on trade which the Commons engaged in during December, 1699. The Commons had formed themselves into a Committee of the Whole at the beginning of the month to inquire into the state of English trade. The stated purpose of the committee was rather broad and oblique, but the movers soon focussed the discussion on William Kidd and the circumstances connected with his voyage and capture. The proceedings were deliberately meant to be embarrassing to those Whig ministers who had originally been concerned in Kidd's voyage. The predominantly Tory House revelled in the opportunity to blacken their reputations. [149]

The Board of Trade was commanded to lay before the House all information they had gathered about Kidd and his case, and about pirates in general. This information was immediately compiled and presented to the House by Blathwayt. [150] This submission consisted of the initial communications from the East India Company about Kidd, the King's orders concerning captured pirates and the outline of Kidd's capture as supplied by Bellomont. Publication of the facts of the affair made the Members decide to wait until Kidd was actually in England before proceeding further with their inquiry. [151]

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[149]Stock, pp. 310-311.
[150]Stock, p. 314.
[151]Stock, p. 363.

As the focus of the Commons debate left Kidd, it began to centre upon the more complex and important matter of piracy, and how best this threat could be dealt with. On December 14, 1699, after some general discussion of the subject, the House gave leave to Charles Hedges to introduce a bill for the suppression of piracy. This bill was presented to the Commons on January 20, 1700.[183]

The major provisions of Hedges' bill, which were unchanged since 1698, empowered the Crown to appoint special commissioners to try pirates in the colonies. Only these commissioners could assemble an Admiralty Court for that purpose, and such a court would be able to pronounce the death penalty upon those convicted of piracy. Other sections of the bill were altered in passage, however. In 1698 the Board had been concerned that the provisions of the proposed bill were too harsh for Parliament to consider. In their present mood the House was more than willing to adopt harsh measures against pirates and the final act was very punitive.

The Board of Trade had a good deal of input into the final provisions of the bill. Blathwayt was added to the Commons committee which was considering the bill, while Lord Stamford, another member of the Board, was a member of the Lords committee on trade. It was Stamford's committee that, upon his prompting, amended the bill so that it contained a clause aimed directly at the proprietary colonies. This

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[183]Stock, pp. 327-336, 345.

clause provided for the loss of a colony's patent or charter if the governor did not abide by the provisions of this bill. [183] The Board's threats to the proprieties were becoming less veiled, and it was evident that they opposed the continued existence of those colonies which thwarted the Board's designs.

The final act for the suppression of piracy entitled any person within the King's domains, who held a commission to try pirates, to assemble an Admiralty Court for that purpose. Such a court was to consist of a jury of no less than seven men, the only crime in English law where the culprit could be tried by less than twelve men. Even in the proprietary and chartered colonies only the appointed commissioners could try pirates, notwithstanding "any letters patent, grants or charters of government . . . or other usages heretofore had or made to the contrary notwithstanding." These governments though, were to assist the commissioners in their duty, refusal to do so could mean the forfeiture of the offending colony's charter.

In 1698 the Board had considered adding a clause to the bill that would provide for the punishment of any abettors of pirates, but had not felt sufficiently powerful to propose such a punitive clause. Such a clause was included by Parliament, and accessories to piracy were liable to suffer the same punishment as if they had been a principle. This clause was to provide for those who had "contributed

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[183]Stock, pp. 362, 363, 369.

very much towards the increase and encouragement of pirates, by setting them forth, and by aiding, abetting and receiving and concealing them and their goods." [154] Royal officials in the colonies were going to be pleased with this legislation as it made their future efforts to suppress piracy more likely to be successful.

The Board could not but be pleased at the provisions of this bill for it gave them all the power they needed in the colonies, and would surely be enough to end piracy. They also had to be pleased at the response of Parliament to their recommendations and the attention paid by the legislators to colonial issues. The attention of the House was not just directed towards piracy, it was also working to eradicate another area of weakness for the Board. On December 22, 1699, the Solicitor General was given leave by the Commons to prepare an act to punish colonial governors for crimes committed by them while in office. [155] Such a bill was necessary, especially after the failure of the Board to punish Fletcher for his conduct as governor. This legislation, which would enable the Board to punish recalcitrant officials, was introduced in the Commons in March 1700. [156]

The title was "An act to punish governors of plantations in this kingdom , for crimes committed in the plantations." It stated that governors of any colony, either

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[154] *Statutes at Large Vol. 10*, pp. 320-326.
[155] Stock, p. 339.
[156] Stock, p. 362.

royal or proprietary, would be punished for their crimes as if such crimes had been committed in England. [18] This would be another stick for the Board to hold over the head of the colonial officials. The act was passed on April 1, having experienced little debate, the same day as the bill against piracy was given final approval.

The Board was rapidly extending its control of the entire colonial system. Randloph and the Board's other correspondents deserved a lot of recognition for making the Board aware of areas of colonial administration that needed revision. Due to their prodding it was evident that for the first time since James II had been forced off the throne a coherent and consistent imperial framework was being forced upon the colonies. But war with France threatened once more and unless the Board could consolidate its control of the colonies it was liable to lose the benefit of its new accomplishments during the confusion of an armed conflict. So the Board's members continued to press for measures that would make the colonies more amendable to royal control.

Consideration of the above acts had been taking place at the same time as the report of the Board on trade was being prepared, on request of the Commons committee. The report had been presented to the House on March 26, too late to affect the debate on the acts, but it served to confirm the House in their low opinion of the proprietary colonies. It also served to further acquaint the House with the

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[18] *Statutes at Large, Vol. 10*, p. 332.

problems of the Atlantic empire, and the obstacles facing the Board.

The Board used their opportunity wisely, and, in a nicely judged presentation, informed the Commons of the great advances that had been made in the regulation and encouragement of trade since their creation. Business with the colonies was managed by a "constant Correspondence with all the governors appointed by his Majesty's immediate Commission, and occasionally with all the rest." Upon being informed by expert colonial correspondents of the great irregularities in the proprietary governments as regards their observance of the Acts of Trade, the Board had established Admiralty Courts in all the plantations. "[A]nd where they have not been disputed, have proved of great Encouragement to legal trade." Of the initiative against pirates the Commons was already aware.

The Board was hopeful that these measures would prove sufficient, but from their experience with the proprietary colonies they were unsure. For instance, even though an act was in place that required the proprietors to seek the King's approbation for their governors, this measure had been entirely ignored. Not one of the governors had been confirmed, and the act was thereby ineffective. Opposition to the Admiralty Courts was strong as well. The Board did not "see any thing, without some further Provision by Parliament, capable to reduce them to a more regular

Conduct, and Compliance with their Duty."[1] What the Board thought the further provision by Parliament might be they did not say, but resumption of the charters was a likely alternative.

The report was tabled, for the House to consider it the more carefully, but the session came to an end before any further initiative was taken by the Commons. It had been an extraordinarily active session as regards colonial matters, the most productive in the matter of regulatory legislation since that of 1696. What had interested this session of Parliament the most had been the domestic consequences of the Board's work, especially the effects upon the East India Company. This was similar to the reasons for the concern about trade in 1696 which had also been in response to merchant pressure; the domestic consequences of inaction would have been formidable and politically devastating.

It is doubtful if the Board realized how much the interest taken in their activities was an indication of the political importance of the Kidd affair. The Board's members were serious men who considered their work to be important and believed that trade matters would be judged for their effect upon the kingdom. What the Board had successfully done, though, was to educate the Commons in trade matters, much as they had educated the Lords in 1697. Members of the House, when they thought about trade matters, would think about the Board's representations.

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[1]CJ, Vol 13, p. 300.

The Board still had to administer the colonies and work on their normal tasks. It was unclear, when the bill against piracy began its passage through Parliament, how long the process would take and what the end result would be. So the Board made temporary arrangements to have all suspected pirates currently being held in the colonies sent to England to be tried. This measure was particularly directed towards the proprietaries. [15] A proclamation was sent to the colonies early in 1700 commanding them to send all suspected pirates, along with their possessions and proofs of their guilt, to England. In the future, pirates would only be tried in those colonies where they would be "speedily and effectively brought to punishment." [16] It was evident that officials in the proprieties would not be considered competent to deal with pirates, even when the act to suppress piracy was in effect. The provisions of the new act would enable the Board to appoint more royal officials in the proprietary colonies, an expedient way to increase their influence.

This temporary order by the Board was to prove very useful as the governors of the royal colonies had been engaged in an ever more desperate struggle to eradicate piracy. Bellomont had not rested after capturing Kidd, but found himself engaged with other pirates and eventually trapped John Gilliam. Gilliam was a well known and successful pirate, and Bellomont declared him to be "the

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[15] CO 324/7, pp. 148-151.
[16] CO 324/7, pp. 165-171.

most impudent hardened villain [he] ever saw". Gilliam was reportedly a servant of the Indian Mogul Emperor and had turned Mohammedan, even to the extent of being circumcised. Aghast, Bellomont had the prisoner checked over by both a surgeon and a Jew, both of whom declared the truth of the allegation. '[1]

The Board was overjoyed at Bellomont's success and congratulated him on his efforts against piracy. They admitted the difficulty of combatting pirates in a place "where they are so much favored" and told him that the King knew of his deeds. '[2] The Board assured Bellomont that he enjoyed their support, but did warn him to be more cautious in his efforts to overturn all of Fletcher's judgements. Too much contradiction, the Board declared, would only confuse the inhabitants of the colony. This last warning was a veiled reference to the complaints the Board had been receiving from a group of disgruntled New York merchants. These men, still loyal to Fletcher, had been petitioning the Board to remove Bellomont from office, and Bellomont, who was aware of their activities, wished the Board to be more supportive. It is evident that he did not realize how helpful to his cause the Board was.

These petitions accused Bellomont of subverting the trade of New York as well as the government. His accusers charged that he had changed all the magistrates and officials so that none dared complain of him, and that he

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'[1]CSPC 1699, #1011.
'[2]CSPC 1700, #307.

had wrecked New York's economy. '[63] This last complaint was likely true as the prosperity of the colony was based, to a great extent, upon prohibited trade. The petitions of this group were troublesome to the Board; needlessly so as their accusations were demonstratably exaggerated, and, in some cases, even hysterical. Their account of how Bellomont's adherents dug up Leisler's bones at midnight in order to reinter them some weeks later in a Dutch cemetary was an example of how well ordered and believable some of the accusations were. '[64] Leisler had been the leader of the 1689 uprising in New York and Bellomont was charged with reviving his party.

What made these complaints more dangerous is that the merchants, tired of the Board's disregard, had approached the House of Commons to obtain a hearing. Bellomont was accused of creating strife by his policy of persecuting Fletcher's old faction which he misguidedly believed was breaking the Acts of Trade. The Commons, however, took little notice of the petition, and no action was taken by them. '[65]

Other colonial governors, following Bellomont's example, had begun to move against the many pirates who were preying upon the shipping of their colonies. In these actions however, they generally had the full support of the population, which had been hard struck by the raiders.

'[63]CSPC 1700, #125.
'[64]CSPC 1700, #210.
'[65]Stock, pp. 355-357.

Nicholson in Virginia and Blakiston in Maryland were the most active, and the most successful of the colonial governors. Blakiston, as he sent a parcel of pirates to England for trial, told the Board that they could expect to hear of the capture of many more as the coast "seems to be environed with them." '[16] By patrolling often, and making merchant ships sail in guarded convoys, some of the danger was being lessened.

Blakiston was very excited about Governor Nicholson's great success in fighting pirates. The governor had just recently taken a personal role in ridding the coast of one of the more notorious pirate vessels, taking one hundred and eleven men prisoner as a result of the engagement. These "great rogues and enemies to all mankind", perceiving that the battle was lost, had threatened to blow up their ship and all prisoners in it. Nicholson had prevailed upon them to surrender in hope of the King's mercy, and in fact only three of the rogues were hung. '[17] This was only one of the sorties in which Nicholson, who was becoming noted for his personal bravery, took part.

Both Blakiston and Nicholson were very pleased at the success of the Admiralty Courts in their jurisdiction. But Nicholson told the Board that the pirate menace would not be ended until all the colonies were forced to establish these courts. Delay would mean only that some of the plantations would "pretend custom, and then, when they are grown more

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'[16]CSPC 1700, #479.
'[17]CSPC 1700, #523, #523ii.

powerful, if may be very difficult to get their ways altered." Such courts would make the colonies depend more on England, and so should be established immediately. '[68]

The threat that properly functioning Admiralty Courts would pose to their freedom of action was clearly understood in some of the proprietary colonies, especially in Pennsylvania. There, Markham, who was Penn's deputy, had thwarted their establishment, until Quary's protests had spurred the Board to action. William Penn had been sent out to his colony with instructions for its proper ordering. If Pennsylvania could be brought to obedience, one of the major obstacles to more complete royal control of the proprieties would be overcome.

Penn had arrived in his colony at the end of 1699, and, as he informed the Board, had immediately fallen to work to execute the King's commands. He made certain to pass two acts designed to curb piracy and illegal trade, those "two crying sins". He promised that these new laws would be vigorously enforced, even though he was still certain that the local population was in no need of chastisement. '[69] As for Markham, Penn declared that he could make his own defense, although at present the man was "very weak and at best but a cripple and prisoner to the gout." '[70]

Markham, who had been removed from office upon Penn's arrival, was making an effort to salvage his reputation. He

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'[68]CSPC 1700, #523.
'[69]CO 5/1288, pp. 266-271.
'[70]CO 5/1260, no. 13.

assured Secretary of State Vernon that any information against him was no doubt "represented as heynously as my adversarys could." [71] He advised the Board that any reports of him opposing Quary were false, and in mitigation pleaded that he had only been protecting the rights of his proprietor, an argument certain to influence the Board. Markham also struck at Randolph, calling him conniving and greedy, and part of a group of men with "evil eyes and malicious minds, . . .eager to overthrow the Proprietor's government". [72] He also reminded the Board of the high opinion Fletcher had of him, and that he had been for twenty years a colonial administrator.

Penn's presence in the colony was improving matters for Quary. He had sent the Board a representation upon smuggling in the colony, but informed them that with Penn's cooperation there might not be the need to send anymore complaints back to England. [73] When Penn helped Quary root out a nest of pirates and receivers of contraband in 'Hore Hills, Quary was even more certain that the King's interest would be secure. [74]

The Board was pleased at this intelligence and informed both Quary and Penn of their pleasure. They cautioned Quary though, not to expect too much of Penn. [75] Penn was told that he would never regret the help he had given Quary, and

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[71]CO 5/1260, no. 35.
[72]CO 5/1288, pp. 315-330.
[73]CO 5/1288, pp. 223-234, CO 324/7 35, pp. 284-296.
[74]CO 5/1288, pp. 288-290.
[75]CO 5/1288, pp. 310-311.

that the Board was sure that the stability his present actions would bring to the colony would suitably increase its value. [16] Penn was not as sanguine about the situation as Quary was, however. He was sorry to be so hard in his own colony, especially as the people, thinking themselves to be "both innocent and meritorious", were angry that their accusers had been believed. [17]

The initial good feeling between Penn and Quary did not last long. Penn's sympathies were not with the royal officials but with the Quaker settlers. Quary reported to the Board his dissappointment that Penn would not take part in an attempt to capture groups of pirates turned thieves operating in the borderlands between Virginia and Pennsylvania. This raid would have been more successful but for being "betrayed by some ill men of the Governments, who gave the pirates intelligence." [18] Quary was careful, however, not to blame Penn for the treachery, but he did miss the proprietor's active support.

Nicholson in Virginia was more realistic about Penn's motives. Penn had been in contact with him to ask for advice, but Nicholson wryly observed that he could not "pretend to give the ingenious . . . Mr. Pen any advice how to manage affairs." [19] Penn was not yet a problem, but Nicholson during his long tenure as a colonial official had realized the divergence of the basic interests of the royal

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[16] CO 5/1288, pp. 311-314.
[17] CO 5/1288, pp. 271-284.
[18] CSPC 1700, #500.
[19] CSPC 1700, #523.

and proprietary colonies. He likened the proprietaries to "the Popes, who, from the first time that the Emperors gave them temporal power, have by several unjust ways and means got more, and endeavour to do so still." He advised the Board to oblige these colonies to obey the Acts of Trade and their oaths, or else their advantage over the royal colonies would always be manifest. '**

Nicholson was a shrewd observer, for Penn could no longer hide his sympathy for the people of the proprietary. In November 1700, Quary wrote to the Board that matters in the colony were now worse than before Penn's arrival. He still could not bring himself to blame Penn, believing instead that the proprietor had had no choice but to acceed to the pressures put on him. Quary, who had been unused to any type of assistance, was still unwilling to isolate Penn out of gratitude for his past help.

The target of these new attacks was again the Admiralty Court, for its importance was easily apparent to Penn who now reneged on his promise not to interfere in their jurisdiction. The proprietor had appointed sheriffs to do the Court's work, arguing that the Court had no jurisdiction inland, a creative way to hamper the Court's effectiveness. Quary recognized that Penn had been forced into this action by the council which was threatning to cut off the supply of money to the government. But he was once more in a state of perpetual agitation, and the Board's help was needed as the

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'**CSPC 1700, #681.

inhabitants were boasting that they will "clip [his] wings by complaints home." [81]

Penn's hypocrisy and infamous conduct was surprising only to Quary, for the Board had few illusions about his character. The respite from strife had been nice, but the ultimate distress was then all the more frustrating. Less hypocritical, but still as frustrating had been the conduct of Rhode Island. In dealing with this colony there was no respite, although the Board did issue many warnings to the government. But the Board always knew where they stood with this colony and it was no hard choice to make Rhode Island an example to the other chartered and proprietary colonies.

In accordance with his instructions, Bellomont had visited Rhode Island late in 1699 to investigate the government's conduct. His initial impressions, as expected, were unfavorable, and he told the Board that the islanders resisted any attempt at regulation from England. They had usurped the powers of the Admiralty, and freely encouraged pirates. [82] Bellomont had been allowed to examine the laws of the colony, which had been put in order for his visit. In spite of the attempt, he found the colonial laws to be "a parcel of fustian." Bellomont concluded by informing the Board that a great many of the colony's inhabitants were making complaints to him of the government's conduct. He was quite prepared to act on the matter when the King should be pleased to "interpose his royal authority for their

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[81] CO 5/1288, pp. 411-431.
[82] CSPC 1699, #1002.

protection." [83]

Bellomont's report enabled the Board to write a recommendation to the King asking that methods be considered to bring Rhode Island under a properly constituted government. [84] Although the Crown took no action, it was apparent that the Board had a very complete and damaging case against the colony. The Rhode Island government had realized the potential harm that Bellomont's inspection presaged, and wrote a piteous letter to the King begging that any proceedings against "a poor distressed and persecuted people" be set aside. Any misinformation from them was a result of misunderstanding, and not malice. [85]

No proceedings were instituted against Rhode Island because the Board had determined to proceed against the colony in a less contentious manner. In November 1699 the Board had asked the Attorney General if the governor-general of New York and Massachusetts might not be allowed to approve or disapprove the appointments of the governors of Connecticut and Rhode Island. These two colonies appointed their governors annually and it was impracticable for the Board to personally review each appointment. Under the 1696 Act, however, no governors were to be appointed before they had obtained the Crown's approval. [86] The Attorney General confirmed that the governor-general, as the King's appointed representative, could legally approve the appointments of

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[83] CO 5/1288, pp. 179-181.
[84] CO 5/1288, pp. 184-186.
[85] CO 5/1288, pp. 260-266.
[86] CO 5/1288, p. 130.

the chartered colonies governors. [87]

With this ruling, it would have been an easy matter for the Board to gain a stronger presence in these colonies, albeit not without local resistence. This resistence would have been easier to overcome than domestic resistence to the idea of serving a writ of *quo warranto* on the offending colonies, a move that was still tainted by its association with the later Stuarts. The Board's plans received a setback in 1700, though, the only reverse the Board was to suffer in this period.

At the end of 1699, the Privy Council, as part of a general inquiry on piracy, had asked the Board how well the 1696 Act for regulating abuses in the plantations was working. They especially wished to know which governors in the proprietaries had not been qualified in accordance with the act, for they would be the most likely men to encourage pirates. [88] The Privy Council must have been aware that no governors had yet been confirmed, due to the resistance of the proprietors who disliked the idea of giving security for the future conduct of their appointees.

The Board sent out two series of letters to the proprietors asking for the identity of their present governor and if his appointment had been confirmed by the king. Such a request was simple and yet the Board received no answers. Finally the Board wrote an angry letter castigating the proprietors for their noncompliance. They

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[87] CO 5/1288, p. 149.
[88] CO 324/7, pp. 83, 113.

wanted an answer "by this day sennight" otherwise such silence would be taken for a denial to answer, and they would be forced to "make the report required from them to his Majesty, as they find cause without it". [88] The Board did not receive an adequate response even to this letter, and had to drop the issue. The proprietors were inured to this type of pressure, and no doubt realized what the information would be used for, which accounts for their unwillingness to cooperate.

Eventually it was the Board who was forced to modify its position on the requirement that the proprietors give security for their governors. The proprietors, as a group, held the position that they would not comply with the provisions of the 1698 Address of the House of Lords, while the Board was as determined to enforce what it considered to be a royal decree. This matter came to a head during the spring of 1700, and it was the Board that was held to be in the wrong for an Address from the Lords did not constitute a statute.

The proprietors of the Bahamas wished to appoint a new governor in the colony, for the incumbent had died some months ago. The Board was aware of the situation in the colony, as Randolph had been shipwrecked there while attempting to leave Bermuda. While recovering he had taken note of the state of the colony and had been, not unnaturally, displeased with what he saw. [89] After Governor

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[88] CO 5/1288, p. 131.
[89] CO 5/1288, PP. 246-248.

Webb's disappearance, the govenment had been assumed by an ex-pirate who behaved in a manner worthy of his predecessors. He connived at piracy and extortion and earned the hatred of the island's population. [1] The Board was relieved that the situation in the colony was going to be improved.

The proprietors submitted one Elias Haskett to the Board for approval as their governor. The Board immediately reminded the proprietors of the necessity to give adequate security for his performance. [2] The proprietors, to whom Haskett had already given a bond, considered that request to be beyond the powers of the Board, but, as a gesture of conciliation, did entrust the Board with Haskett's personal bond. They then told the Board that if such security were truly necessary there would have been provision made for it in an act of Parliament. [3] The Board agreed that Haskett's bond was no doubt sufficient to ensure his performance, but they were still compelled by the King's orders to insist that the proprietors personally give a bond. [4] It was decided to submit the question to the Attorney General so that the legality of their position could be considered.

The Attorney General replied in June 1700, and informed the Board that there was no binding requirement that the proprietors be obliged to give security for their deputies, however, the two recent acts of parliament bore upon this

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[1] CO 5/1288, pp. 248-260.
[2] CO 5/1288, pp. 201-204.
[3] CO 5/1288, pp. 213-214.
[4] CO 5/1288, pp. 214-216.

subject. The act to suppress piracy stated that if any colonial official refused to obey the provisions of this act, the whole propriety would be forfeit. The act to punish governors stated that any offense committed contrary to the laws of England would then be prosecuted in England. So for fear of their charters, the proprietors, in the future, would have to be stricter in their prosecution of the Acts of Trade. '[15] Upon this report, Haskett was confirmed without regard to security. Convinced that one method of ensuring the good conduct of the proprieties had been lost, the Board looked around for another.

One way that the Board did this was to exclude officials in the proprieties from receiving commissions to try piracy as required by the new act of Parliament. When they proposed to the King which nominees in the colony should be considered competent to execute these commissions, no persons in the proprieties except for royally appointed officials were mentioned. '[16] This was an easy way to exclude the proprietaries from the patronage likely to accompany such a position, as well as the power. When George Larkin, Hedges' chosen representative, was sent to the colonies to settle the form of the proposed courts, notice of his coming was not even sent to the proprieties. This in spite of the fact that the Board asked Larkin to make inquiries as he travelled upon their behalf, an order that indicated Larkin was likely to visit the proprietary

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'[15]CO 5/1288, pp. 241-243.
'[16]CO 324/7, pp. 221-231.

colonies. [17]

Day had bowed to pressure from the Board and had released Randolph early in 1700. In spite of the nine months he had spent in prison, Randolph was as determined as ever, seizing a vessel of which Day was part owner for illegal trading on the day of his release. He was also in constant communication with the Board and informed the members that the current rumour in Bermuda was that Day would soon be called to account for his misdeeds, a development which Randolph applauded. [18] Day was also in communication with the Board, and was not at all pleased at the recent developments which he was sure would undermine his authority as governor. He once again denied all the charges Randolph had made in his first letter, stating that he had in fact strengthened the Admiralty Courts in the colony. It was these strictures which underlay his unpopularity, and Randolph had joined with the frustrated smugglers of the island to discredit him. [19] He was sorry that the imprisonment of Randolph had occurred, but was sure the Board could accept his explanations. [20]

Day's case was undoubtedly weak, and the Board was unimpressed with his letters, and when the depositions taken from the islanders arrived it was evident how poor his explanations really were. In these depositions Day was accused of extortion, conniving at false oaths, threats, and

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[17] CSPC 1701, #330, #354.
[18] CSPC 1700, #61, #67.
[19] CSPC 1700, #64.
[20] CSPC 1700, #62.

even of conspiring to clip coins. [201] All these charges were very weighty, but there was some question of how valid the depositions were as Day had been given no chance to answer the charges, due to Randolph's interference. [202]

Randolph resented Day's imputations and said that he was not allowed to examine or copy the depositions because all the petitioners feared reprisals. This was not an unreasonable fear given Day's past activities and especially given the fact that he had hindered the taking of the depositions by all means in his power. [203] Randolph reported that Day had lately seemed a little more subdued, that is "a little more cautious, but as absolute as ever." The situation in Bermuda would only be better once he was dismissed. [204]

The Board agreed with Randolph's assessment and informed the King of the charges pending against Day. There seemed to be enough evidence in the depositions and Randolph's letters to justify Day's removal and the Board opined that "it is noways in your Majesty's service that he be continued in the government of these islands." [205] Thomas Day, the father of the accused, was given the opportunity to reply to these charges on behalf of his son.

Day senior was certain that his son was innocent, and asked for time to prepare a defense. [206] Upon consideration,

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[201]CSPC 1701, #71i-viii.
[202]CSPC 1700, #121.
[203]CSPC 1700, #147.
[204]CSPC 1700, #123.
[205]CSPC 1700, #165.
[206]CSPC 1700, #109, #164.

the only contention Day could make was that his son had been denied access to the depositions containing the allegations against him. [207] While Thomas Day had been preparing his son's defense, the Board had received other letters concerning Governor Day's conduct, accusing him of "barbarous villainies" and other, more specific, crimes. The owner of a ship which Day had illegally seized made representation to the Board that he wished to sue Governor Day, and asked that he be compelled to give security in Bermuda before being allowed to return to England and perhaps escape punishment. [208]

The Board finally reported to the King on the merits of Day's defense and concluded that it was not sufficient to disprove the accusations against him. [209] The King then commanded that Day was to be relieved of his post, but before coming to England was to post bond of 2000 pounds against an adverse judgement in the case of illegal seizure that was to be brought against him. [210] Day's replacement was then sent to Bermuda, after being cautioned by the Board to avoid following his predecessor's example. [211] The Board was satisfied that they had removed another Fletcher from office, and that in the future such royal officials would become more rare. If not, at least they had the provisions of the act for punishing colonial governors to facilitate

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[207] CSPC 1700, #383.
[208] CSPC 1700, #303, #383.
[209] CSPC 1700, #411.
[210] CSPC 1700, #413, #733.
[211] CSPC 1700, #793.

their revenge.

By the time Day had been recalled from his post, Randolph had already arrived back in England. The discomforts of this recent experiences were forgotten as he eagerly promised the Board that he had some good information for them. [211] Randolph's presence was to prove a great benefit to the Board of Trade, as he was a recognized expert on the misconduct of the proprieties, and had experience of Parliament, having appeared before the Lord's committee on the plantations in 1697 and been instrumental in framing the 1696 addition to the Navigation Acts. His availability was a large factor in the Board's decision to pursue the resumption of all the proprietary charters, but the largest recent factor had been John Locke's departure from the Board.

Locke had resigned from the Board on June 28, 1700, for reasons of ill health. His departure left Blathwayt in full control of the Board, which would now, until William III's death in 1702, be shaped to his own ends. Blathwayt and Locke had never been antagonistic towards each other, but their differing convictions, Locke a Whig and Blathwayt an unabashed Tory, had precluded any real cooperation. Locke's views on property rights, coupled with his strong position on the Board had stymied any movement Blathwayt had made to abrogate the colonial charters. The domestic ascendency of the Tories in 1698 had left Blathwayt in a stronger position

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[211] CSPC 1700, #727.

on the Board than he had enjoyed since its creation, but it is significant that *quo warranto* was suggested against Rhode Island only when Locke was absent from the Board. Locke also had not been present when the March 26, 1700 representation to the Commons had been drafted. [213] Clearly his presence had been an impediment to Blathwayt's, and now the Board's, plans to press for resumption.

In the fall of 1700, Randolph began to send reports to the Board. He provided them with list of the governors in the proprietaries, something which the Board still lacked, and commented that none had been confirmed by the Crown except in the Bahamas. He then pointed out that while the 1696 Act of Trade entitled government officials to a share in seizures made under the act's authority, unconfirmed governors should not be able to profit from these forfeitures. [214] This was an interesting notion which the Board debated until Randolph's next representation was upon them.

On November 5 Randolph shared with the Board some of the information he had accumulated during his recent trip about smuggling in the colonies. He detailed the methods used to defraud the Customs. It was all very simple; the product was transported to another colony, which was legal, but was then re-exported to Europe, which was not. Randolph had a list of recommendations on how best to control this

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[213]Locke's absence on these two occasions is noted by Steele, pp. 66, 68n.
[214]CO 5/1288, pp. 331-332.

illegal trade. His first condition was that the Proprieties be brought under the immediate control of the Crown, or his other suggestions would be worthless. His other proposals were all workable, and relatively simple to implement, but they supposed a degree of co-operation between the Customs officers and governors that would have been impossible in the proprieties. [215] These proposals were worthless unless a radical alteration in the present colonial system was undertaken, a conclusion the Board was willing to be a party to.

Realizing that the Board would need evidence of the misdeeds of the proprietary and chartered colonies, Randolph gave them a letter on February 2 outlining "the high crimes and increasing misdemenours of male administration of the governors in the severall Proprieties." Listing each colony in turn, Randolph accused Rhode Island's government of intentionally invalidating the Admiralty Courts, and being notable for their partiality to pirates and illegal traders, as was Connecticut. Affairs in the Carolinas were as bad, both governors having connived to insert their own men into the Customs in order to subvert that body for their own ends. Massachusetts and the Jerseys were also castigated, but the Bahamas received the most attention. Randolph's last visit had given him a thorough acquaintance with the offences of the last three governors, each worse than the last. [216]

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[215] CO 324/7, pp. 333-350.
[216] CO 5/1288, pp. 445-483.

The faults of these colonies were compounded by the neglect of their proprietors, who paid scant attention to colonial affairs and did not provide an adequate salary for their governors. Their appointees were thus driven "to live upon rapine and spoil", to the distress of the inhabitants. No measures were made for the defense of these colonies either, which was a particularly damming indictment as war with France loomed in the future. In a further report on defence, Randolph listed the specific instances of unpreparedness he had found in various proprieties in order to emphasize this danger. [211]

Randolph's representations, his most ardent effort yet against the proprietaries, and also his most overtly biased, coupled with Blathwayt's freedom of action after Locke's departure, made the spring of 1701 a propitious time to initiate proceedings to resume the charters of the non-royal colonies. The Board no longer bothered to disguise its preference for resumption. All that remained was to convince the King, and after him Parliament, that such an action would be an expedient way to end the difficulties in colonial administration. The proprietors would only be asked to give up their right of government; all their other charter rights would continue. In this way the Board, upon Randolph's advice, sought to soften the impact of their proposal, although indications were clear that the proprietors would challenge this initiative with all the

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[211]CO 324/7, pp. 384-398.

means they possessed.

The Board had been able to count upon the co-operation of Parliament during its last session, as the passage of other colonial legislation had indicated. But this had been specific legislation and had not attacked property rights in any way. It was uncertain what reception the Board's initiative would receive when Parliament resumed in March 1701. The Board had obtained prompt action in all of the areas it believed were important, but the progress was too slow. Many on the Board were becoming impatient with this piecemeal progress. All their correspondents had led them to believe that nothing but a blanket resumption of all the colonial charters would bring about the imperial administration the Board hoped to achieve. The Board hoped that Parliament would accept this logic as well, but then Parliament would be responsible for instituting a policy associated with the worst excesses of the Stuarts. Parliament did seem willing to extend its powers into the area of imperial administration and was willing to give the Board guidance. Whether Parliament was willing to be involved in regulating the internal affairs of the various colonies was questionable. But the Board's members solicited the legislators to implement, what was, in effect, *quo warranto* with the sanction, but not the participation, of the crown.

V. This Government Taking Away

The Board's ambition in 1701 was to encourage the adoption of legislation which would vacate the proprietary charters. Blathwayt, and the representations from royal officals in the colonies such as Randolph, Nicholson and Quary, had convinced the Board's other members that no policy besides resumption of the charters was feasible. Every provision to make the trade laws more effective had either been ignored or subverted by the proprietary colonies. The Board was angry that its efforts to regulate the Atlantic empire were proving ineffectual. Blathwayt, who was most familiar to the King's ministers, began to solicit support for the Board's attempt to abrogate the colonial charters.

On September 14, 1700, Blathwayt wrote to Secretary of State, Vernon, in his capacity as Secretary at War. Amidst all the other topics he touched upon, Blathwayt found time to bring up the subject of the colonies and their ultimate destiny:

> Give me leave to say the Security of our colonies and rendering them more usefull to England are commonplaces that have sustained us these many years but the means which are very plain have always been opposed or not prosecuted. [218]

Now that Locke was no longer a member of the Board, Blathwayt expected the Privy Council to support his policy of resuming the charters of the proprietaries, especially as the remaining members of the Board now favored this policy

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[218]BL Add MSS 40774, f. 305.

as well.

The Privy Council did not need much prodding from Blathwayt to support such a policy; the refusal of the proprietors to have their governors confirmed still rankled. As the Attorney General wrote to the Board on January 2, 1701, under the present legislation the proprietors could not be compelled to give security for their governors, nor could they even be required to divulge the identity of their current governors. Only a new act of Parliament could bring the proprietaries under a closer control, and while the Privy Council had considered including a clause to this effect in the act for punishing pirates, this had not been done. Therefore an act to bring the proprietaries under a closer control was to be proposed in the upcoming Parliamentary session. [1]

Such news was welcome to the Board, who hurried to shape the proposed bill so that the proprietary and chartered colonies would be brought under the direct control of the crown by abrogation of their charters. Convincing the Privy Council of the expediency of such a measure was not difficult. On March 26, the Board wrote a detailed letter to the King that recounted exhaustively the many crimes of the proprieties. The Board emphasized that in spite of the many warnings issued by both the Board and the Crown, the behavior of these colonies was no better, and was in some cases worse, than when the Board had first taken office.

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[1] CO 5/1288, p. 410.

Their conduct damaged the bordering royal colonies and diminished the customs revenues, and, in addition, royal officials within the proprietaries were reportedly hampered while carrying out their duties. The familiar litany of charges against the proprieties was then rehearsed, all culled from the letters of the Board's correspondents. The proprietary colonies paid no attention to England's laws or the King's decrees, and insisted on the primacy of their own contrary legislation. No care was taken for the defence of these plantations which preferred to rely upon the military readiness of the neighboring royal colonies to act as a buffer against the French. And of the many instances of their encouragement and participation in piracy and illegal trade, the Board had little to add to the many representations they had made to the King upon that subject.

The Board's conclusion was succinct and unusually direct:

> [W]e humbly conceive it may be expedient that the charters of the several Proprietaries and others, intitling them to absolute Government, be resummed to the Crown, and these colonies be put into the same state and dependency as those of your Majestie's other Plantations, without prejudice to any man's particular property and freehold. Which being no otherwise so well to be effected as by the Legislative powers of this Kingdome. [220]

Such a measure would certainly solve the Board's problems of control over the proprietaries and it was just such a measure that their colonial correspondents, especially Randolph, had been proposing for years. This was

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[220] CO 5/1289, pp. 12-17.

certainly a more drastic step than *quo warranto* proceedings against individual colonies, but thus far Parliament had not denied the Board any colonial legislation that promised to increase the value of the plantations. The Board no longer worried about the feasibility of this proposal or the threat of resistance in the proprietaries; once the legislation was in place the Board could agitate for the means to enforce it. The Privy Council obviously agreed that this matter could best be decided in Parliament, so all that remained was to convince Parliament that such a step was necessary.

In this Parliamentary session, as in the last, a strong interest in colonial problems was evident. In March 1701 Kidd appeared before the House of Commons to be examined about his piracies, a process that was finally to end with the trial and execution of this unfortunate pirate. Some Members of the Commons used the information gained from Kidd's examiniation to draw up impeachment articles against the Whig peers the Earl of Orford and Lord Somers, castigating the two for their connection with Kidd, among other crimes. It was during this debate that the Board was asked to lay before the Commons a report on their activities since the last presentation. [33]

The Board presented their answer to the House on March 29. In it they informed the Members of what measures had been taken to improve trade, but the focus of their report was similar to that which they had given the King three days

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[33]BL Add MSS 46542, ff. 37-48.

earlier. They insisted that the existence of the proprietary and chartered colonies was inconsistent with the general welfare of the kingdom, and repeated the grounds for this belief. The only cure for these abuses, the Board reiterated, was the resumption of the charters of the offending colonies, a step which could only be effected through Parliament. [222]

The Commons was not prepared to accept the Board's report, and its controversial conclusion, without further study, and on April 2 they asked for an account of any complaints made to the Board in relation to all the colonies, royal as well as proprietary, and the Board's reactions to these problems. [223] The Board labored throughout April to answer this request, and was finally ready on April 24. This document was by far the most detailed and comprehensive yet compiled by the members of the Board. They dredged through their past correspondence and offered a fine narrative of the problems facing each colony and the solutions proferred by the Board. But in their narrative of events concerning the royal colonies the Board was able to emphasize the attention paid to royal commands, and the efficacy of these proposals. This had not happened in the proprieties, where "their pretended privileges" made any reformation impossible without resuming their charters to the Crown as had been represented to the

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[222]Stock, pp. 385-386.
[223]CJ, Vol. 13, p. 465.

House in the last communication.[224]

On the same day as this answer was being presented to the Commons, a bill was being introduced in the House of Lords entitled "An act for reuniting to the crown the several colonies and plantations in America." This bill was precisely what the Board had agitated for, and was the culmination of their efforts throughout the preceeding year. The provisions of this proposed act would void all clauses in the proprietary charters that related to the government of the colony, whereupon representatives of the Crown would assume this power. This bill respected private property however, and excepted "any land, tenements, or hereditaments derived from the charters." [225] So the proprietors were still to have control of the public lands and the rents in their plantations but the government was to be administered by a representative of the crown. Matters such as defence and justice would also be under the control of royal officials. The concurrence of the King in this measure was fully evident, as was the Crown's agreement that Parliament was the best forum in which to effect these alterations.

This bill to resume the charters of the non-royal colonies was very similar to the efforts that had been made during the reigns of Charles II and especially James II to centralize the colonial administration. Then, as was also the case in 1702, Randolph and other colonial administrators

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[224]Stock, pp. 392-401.
[225]Stock, pp. 401-402n.

had provided the evidence and impetus needed to pursue such a policy. During Charles' reign *quo warranto* efforts had only focused only on one colony at a time. James had attempted to vacate the charters of all the northern colonies at once. This was what the Board was now trying to do, although its target was all the proprietary and chartered colonies in America and the West Indies.

A major difference between the efforts of the Board and that of the Lords of Trade was that when individual writs of *quo warranto* had to be brought against each charter, the indictments were more thorough and the legal basis for action more secure. The Board of Trade had decided not to issue writs of *quo warranto*, partly because this form of procedure had been abused during James' reign, but mostly because an act of Parliament to abrogate all the colonial charters was a more comprehensive and speedy solution. The seeming simplicity of this action was deceptive, however, and its difficulties were to prove prohibitive. Prerogative action had been direct and effective, too direct and effective as James discovered when he abused the power. A parliamentary bill had to gain the support of the Members of both Houses, who could be swayed by arguments that had little to do with the development of a sound colonial policy.

Opposition to the proposed bill was immediately evident. Led by William Penn's son, in place of his father, the various proprietors and colonial agents for the

chartered colonies demanded that they be allowed to state their objections to what they considered an arbitrary proposal. The Lords made time for each of the petitioners to be heard, although there were some delays in assembling defences. [226] The Lords also commanded that witnesses and counsel for the Crown were to attend "in order to give the House an account of the reasons for the said bill." To further facilitate their enquiries, the Board was asked to bring to the House "such books and papers as . . . may be useful, in order to make out the allegations of the bill". [227] This act was going to be carefully considered before passage.

The Board lobbied for the passage of the bill. On April 29 they wrote to the Treasury to ask that funds be provided to Randolph to cover his expenses while appearing before the Lord's committee which was to investigate the reunification bill. [228] Randolph was charged by the Board with coordinating the representation in favor of the bill and briefing the lawyer engaged by the Board to appear before the committee. Randolph, the lawyer, and some other interested parties appeared before the Lords on May 3, on which day Penn's son was first heard. Penn's counsel opposed Randolph's appearance before the committee, doubtless on the grounds that he was inimical to the proprietaries existence. This representation was successful, and Randolph was not a

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[226] Stock, pp. 402, 403, 405.
[227] Stock, p. 402.
[228] CO 5/1289, p. 63.

witness during the proceedings. [229] Upon the conclusion of the day's hearings the Lords ordered the Board to lay before them any papers recounting complaints against colonial governors in America. [230]

The Board immediately set to work to unearth the complaints made against the proprietary governors. They also asked that Randolph, the Crown's lawyer Montague, Basse, and others involved in the Act's prosecution, attend their next few meetings in order to be instructed how to present their case. [231] Next day, May 8, Lord Lexington delivered the relevant papers to the Lord's committee, all of which concerned the proprietary and chartered colonies. [232] The hearing was continued, and the opposing counsels had a heated exchange. The lawyer for the proprietors advanced the argument that "We have the charter. This government taking away is an absolute dissolving of the colony. We put it upon them to prove any ill done by us." Montague tersely replied to this challenge that, "We think it lies on us only to make good the reasonableness of this bill. They carry on prohibited trade prejudicial to England." [233] The hearing was ordered to be continued later.

The Board considered itself to be in a very strong position, so strong that the members became unduly optimistic about the outcome of the hearing. This confidence

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[229]Stock, p. 404, CSPC 1702, #432.
[230]Stock, p. 404.
[231]CSPC 1701, #404.
[232]CO 5/1289, pp. 66-88.
[233]Stock, pp. 405-406.

was to prove unfounded as their case was far too general and the accusations too unspecific to be entirely convincing to an observer who was not conversant in colonial matters. Penn's son, upon examining the papers presented to the Lords on May 8 gave notice that "several papers are not laid before this House, which were sent to the said commissioners, and are for the advantage of his father." The Lords ordered the Board to repair the deficiency, which was done the next day. [234] The hearings then dragged on as counsel for the proprietors deliberately lengthened the proceedings, vowing that resumption would mean the ruin of their clients. [235] Penn junior read aloud several of his father's letters to the committee, and insisted that they vindicated him and exposed Randolph as a liar. Randolph was in some personal danger during the proceedings, and at one point the Lords had to extend the protection of the House to him to prevent his arrest. [236] It was thought that the proprietors were attempting to have Randolph arrested on a trumped up charge.

In spite of the protests of the proprietors and their counsel, the bill was given a second reading, although petitions against it were still to be considered. But in late May the bill became bogged down and lost its momentum. Witnesses against the bill begged for delays, and discussion of the act was held up throughout June. [237] On June 11

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[234] LJ, Vol. 16, pp. 676, 678.
[235] Stock, pp. 405n, 409.
[236] Stock, pp. 414, 411.
[237] Stock, p. 418n.

Randolph informed the Board that there was no possibility of the bill being passed this Parliamentary session, which was being curtailed on account of the King's upcoming trip to Ireland. He had, however, been asked by the Lords to take affidavits from those witnesses who could not be in England during the next Parliamentary session, the records of which would be kept by the Board. [233] The proprietors, who had been caught unaware by the introduction of the bill, were reprieved when Parliament was prorogued on June 24, 1701.

The failure of this initiative left the Board dissappointed, but not entirely downcast as their efforts had been well received in Parliament. The members of the Board assumed that the resumption bill would be reintroduced during Parliament's next sitting and would be swiftly passed. Until that time the Board determined to keep their case against the proprietaries as current as possible for they anticipated that the proprietors would make a more efficient defence than had been the case this last session. To counter this anticipated challenge, the Board wrote to the royal governors to obtain more and better detailed information of the "irregularities and misdemenours" in the proprietaries.

Nicholson and Blakiston received notice of the Board's intentions in late July 1701. They were told of the failure of the resumption bill due to the shortness of time for debate, and that it was likely to be reintroduced next year.

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[233] CSPC 1701, #530.

The two officials were then desired to "get the best information you can relating to the conduct of the Proprietary Governors and Governments upon the several heads of observations that have been made of their undue proceedings." [239] Nicholson was asked to gather information about the Carolinas and Bahamas, while Blakiston was requested to report on Pennsylvania and New Jersey, his colony's closest neighbours.

These two men had already demonstrated their zeal in carrying out the Board's orders, and were firm opponents of the continued existence of the proprietaries. Unfortunately the Board had no official in New York to communicate with as Bellomont had died on March 6, 1701. [240] The Board received word of his demise in May, by which time events in the colony had degenerated. Bellomont, although a sound administrator and eager enforcer of the trade laws, had been a tactless governor, and the party strife that had barely been suppressed during his lifetime broke out upon his death. The situation was compounded by the absence of the Lt. Gov., John Nanfan, who was in Barbados upon personal business. The Board wrote him a letter that appointed him acting governor and advised him on how best to deal with the unrest in New York. He was enjoined to "not engage yourself in the heats and animosities of parties". [241] Unless the Board could be seen to have control in the royal colonies,

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[239] CSPC 1701, #661, #662.
[240] CSPC 1701, #212.
[241] CSPC 1701, #411.

they would not be given the power necessary to incorporate the proprietaries into the colonial system.

Until such time as Nanfan returned, the Board was bombarded with letters from New York correspondents anxious to ingratiate themselves. Robert Livingstone, who had first interested Bellomont in Kidd's venture, was especially prominent, and wrote long letters to the Board about the inadequate defences of the colony. [242] Bellomont had died penniless after pledging all his fortune to maintain what defences the colony did have and to strengthen the frontier. His salary, which was still greatly in arears, was now the sole hope of his widow and family. Nanfan, when he arrived back in the colony, took note of the animosity on the colonial council, and wrote to the Board promising to eschew any favoritism. [243] The colony's defences could not be bettered until more money was available, however. The Board would have no useful information from New York until a replacement for Bellomont took office.

The Board had no input into the selection of Bellomont's successor; or successors as the King decided in council to discontinue the position of governor-general in favor of separate governors in both New York and Massachusetts. The merchants of New York had long complained of the inequity of the governor-general's salary, which was collected almost entirely from their colony. They also felt that the presence of the governor in New York worked to the

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[242] CSPC 1701, #431, #436.
[243] CSPC 1701, #460, #758.

advantage of the Boston merchants, who profited from a more lax enforcement of the trade laws. Abolishing the governor-general position was a strange move insofar as the original idea behind the amalgamation of the two governorships was that a closer military cooperation between the two colonies would result. War with France was very likely to erupt once again, which should have provided a greater incentive to continue the status quo. The Board had no opportunity to raise this point however, and they were informed by the King that Lord Cornbury was to be the new governor of New York, while Joseph Dudley was to take over in Massachusetts. [244] This was a sharp reminder to the Board of how limited their influence actually was.

Reaction from the colonies to the Board's initiative to resume the charters was slow to arrive. Penn, writing in July 1701, was still unaware of the proceedings, although his letter hinted that the atmosphere in the colony was less cooperative than it had been immediately after his arrival. He spoke glowingly of the colony's improvement, "not by piracy or illegal trade, but honest labour and sobriety" and begged that his choice as deputy governor be confirmed by the Board, with the same powers as a royal governor. Then, referring obliquely to his rupture with Quary, Penn complained about the officious nature of the royal officials in Pennsylvania, expressing the wish that they would be "half as honest and usefull and honorable, as those they

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[244]CSPC 1701, #540, #543, #554.

have faulted." [245] Penn was a shrewd man and was determined to avenge himself upon Quary for his attacks upon Penn's colony. He also realized that many royal officials justified their positions by their many complaints to the Board.

When word of the bill sponsored by the Board to resume the proprietary charters reached him, Penn was appalled and decided to return that fall to England in order to protect his colonial charter. Before sailing he warned the Board of his imminent return and observed sardonically that "if the extractors have done you justice, you must excuse me if I complain of the want in it to me". He had ordered the colony in accord with the Board's wishes, and denied ever opposing the Admiralty Courts. Any complaints about Pennsylvania had originated with those royal officials he had described in his preceeding letter, and these men, "gaping for preferrment", were countenanced in their false reports by the Board. Penn made little effort to answer any of the charges that had reportedly been brought against his colony, and instead reminded the Board of his sacred right of property. He indicated to the Board in no uncertain terms that only Parliament could move against his charter: "[B]y nothing but a downright Parliamentary omnipotency can my pretensions be overuled." [246] Penn obviously believed that Parliament would hesitate to deprive him of his property rights.

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[245] CO 5/1289, pp. 201-206.
[246] CO 5/1289, pp. 201-206.

Penn's anger and determination were evident, and the Board realized that he would be a formidable opponent. His standing at court was purported to be high, and his influence extended throughout Parliament as well. [247] But the Board had received news that the one man who might successfully challenge Penn's credibility was also on his way to England. Robert Quary had decided to come to England to facilitate the Board's prosecution of the resumption bill. This decision was solely Quary's as the Board had no jurisdiction over him, but his testimony could be invaluable, especially since Randolph's influence within the administration had unaccountably declined. As an expert witness, Quary could deal a telling blow to Penn's facade of reasonableness.

Quary had decided to come to England while on an inspection tour of Carolina. The Admiralty Judge in the colony was being prevented from carrying out his commission by the inhabitants, with the silent compliance of the proprietors. Taking encouragement from Pennsylvania, the colonial council had promulgated an act designed to destroy the court's jurisdiction and powers. The judge's complaints had been intercepted by his enemies and had never reached the Board. [248] Quary feared that his letters were also being intercepted, and determined to visit England to better consult with the Board about the proprietary colonies and

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[247]For a partial description of Penn's connections see Sosin, *Imperial Inconstancy*, pp. 26, 242n.
[248]CO 5/1289, pp. 335-339; 5/1408, no. 19.

their irregularities. [249] Quary's attendance might help to insure the passage of the resumption bill due to his great knowledge of illegal trade in the colonies and for this reason Nicholson had encouraged him to take the journey. He agreed that it was necessary to have someone well acquainted with the circumstances of the colonies available in London. Nicholson also sent the Board a multitude of depositions to bolster their case.

Nicholson had received word of the Board's failure to gain passage of the resumption bill late in 1701. In a subsequent letter he railed against the bad fortune that had prevented a speedy passage of the bill, as he could not, under any circumstances, countenance or cooperate with the proprietary colonies. While pleased that the Board was going to reintroduce the bill, Nicholson was not entirely optomistic about their chances for success. He proposed that if the "Act should be quashed for want of sufficient proof etc. against their irregularities and misdemenours" that a royal commission should be sent to the colonies, which could not fail to gather sufficient evidence to justify resumption. "For surely H.M.'s interests and service will never be rightly managed in these parts of the world till all the Chartered and Proprietary Governments be as the rest of the Provinces." [250]

Nicholson had also heard of a rebellion in the Bahamas, and was among the first to inform the Board of this strange

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[249] CO 5/1289, p. 332.
[250] CSPC 1701, #1041.

happening. It seemed that the people of the island, being tired of the proprietary government, had deposed these officials and assumed control of the colony. Nicholson had been informed of the uprising in romantic fashion by the Admiralty Judge of the islands who had smuggled out the information in a hollowed out apple. [251]

The rebellion occured because of the behavior of the new governor, Elias Haskett, sent to replace the absconded Trott. He faced a strong opposition led by Elding, the man who had been temporary governor after Trott's departure, and whom Randolph had described as a pirate. The justification the population gave for their uprising was the defenceless state of the island which made the people nervous in view of the proximity of the French and the arbitrary government of the proprietor's appointees, each worse than the last. They begged that the proprietors be held to blame, and hoped that the Crown would purchase the island and make it a royal colony. [252] Their neighbour Bermuda, upon hearing of the resumption bill, petitioned the Board to join the Bahama islands to their colony. [253]

The situation in the Bahamas was an example of how tiresome a proprietary government could be. The population resented the arbitrary and unpopular governors that were forced upon them by the proprietors. Each new governor looked upon his post as an opportunity to advance his own

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[251]CSPC 1701, #1042viii(c)-viii(e).
[252]CSPC 1701, #1042x(d).
[253]CSPC 1701, #1019.

fortunes, usually at the expense of the local population. The proprietors, who refused to grant their officials an adequate salary, helped foster this attitude, and their refusal to permit security to be taken for their appointee's performance prevented any control of their abuses by the Board of Trade.

The Board found it almost impossible to control the abuses of the proprietary governors, but it was almost as difficult to maintain standards among the royally appointed governors. The Act to punish governors for abuses committed in the plantations gave the Board some leverage, but in the case of Lord Cornbury, the abuse of his position threatened to begin before he left England to assume his position. Although appointed in June, Cornbury still had not left England by November, although his transport had been ready for some months. Cornbury was determined to make his new position pay, and approached the Board with a proposal to supply the New York militia with clothing. [254] The Board, indignant that Cornbury had not yet left for America, rejected his suggestion and asked him to leave for New York as soon as possible. [255]

A Mr. Hanan had appeared before the Board during the discussions on Cornbury's proposal in the capacity of Cornbury's secretary. The Board was well acquainted with Hanan, who had been an associate of Fletcher and was imputed to have bribed pirates for the ex-governor. The Board

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[254] CSPC 1701, #996.
[255] CSPC 1701, #1075, #1076, #1079, #1095.

informed Cornbury that Hanan was unsuitable as a secretary and that if he appeared in New York he would be prosecuted. [256] Cornbury, rather chagrined, acknowledged the Board's warning and stated that he had been unaware of Hanan's character when he employed him. [257] Cornbury still did not leave for New York, though, and it became increasingly obvious to the Board that he would be a poor replacement for Bellomont. The lack of a strong governor in New York would be a serious blow to the Board's ambitions to exercise more control over the colonies.

In the fall of 1701, the Board began to receive comprehensive and astute reports from George Larkin who had been commissioned to implement the act against piracy in the colonies. The Board had asked Larkin to supply them with reports on the colonies he travelled in, and his first letter came from Newfoundland. He complained of the Massachusetts merchants who engaged in an illegal trade in ennumerated colonial products with the island. [258] Larkin was even less satisfied by the reception he received in Massachusetts, sardonically observing that the people "would have been much better pleased if your Lordships had sent them an Act of Parliament for encouragement of so beneficial a Trade." He did not have a good word to say about the colony or its inhabitants, scarce one of which was not an illegal trader. [259] By his third letter Larkin was a

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[256] CSPC 1701, #1092.
[257] CSPC 1701, #1101.
[258] CSPC 1701, #756.
[259] CSPC 1701, #945.

complete convert to the idea of resumption stating that "until H.M. can send governors of his own to these places, tho' Acts of Parliament be made with all the caution and severity imaginable, they will be of little or no signification." [260] Larkin's experience was common among those royal officials just arrived from England, who were imbued with the spirit of the Acts of Trade. It was incomprehensible to them that the Crown's commands could be so blatantly ignored.

The Board had little time to consider the new information available to them. Upon the prodding of the King they had been considering the defensive readiness of the colonies. Finally on January 24, 1702 the Board presented the King with its report upon the subject. The report chastised the proprietary colonies for their unpreparedness and neglect of their security. The Board emphasized that the proprietors were to blame as they made no provisions for defence and claimed it was "necessary to the public service that the said Proprietors be quickened by an immediate Order from your Majesty to perform their duty herein." This unready status compromised the royal colonies and led to desertions from the royal militia to the proprieties where military duty was not always enforced. The report ended with a denunciation of the proprietaries and a recommendation that their charters be suspended. [261]

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[260] CSPC 1701, #1054.
[261] CO 324/8, pp. 37-63.

This report, which illustrated the single minded nature of the Board's members, was the first salvo of the renewed campaign against the proprietary charters. In January of the new year Parliament had commenced its new session, and both Houses soon ordered the Board to lay before them an account of their activities during the past year. [262] The King's response to the Board's presentation on colonial defence had emphasized that the information was to be made available to Parliament, and so the Board included this information in their answer to both the Lords and the Commons. [263] These answers followed the same format as had their earlier reports; after listing abuses in the proprietaries the Board recommended the vacation of the charters. [264] The next step for the Board was to ensure that the bill for resumption was introduced in Parliament.

On February 17 the Secretary of State asked the Board for their opinion of a draft bill to reunite the proprietaries to the crown that he had received from Penn. This bill proposed that the military of all colonies be controlled by a single royally appointed official who would also be responsible for the Customs and Admiralty officials, as well as overseeing justice in the colonies. Otherwise the civil authority would remain as it was. [265]

Such a bill was completely unsatisfactory as it would give the Board no more control over the proprietary colonies

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[262]Stock, pp. 426, 443.
[263]CSPC 1702, #77.
[264]Stock, pp. 426-442.
[265]CO 5/1289, pp. 381-382.

and would encumber the Crown with the exclusive responsibility for colonial defence. It would not accomplish what the Board intended by the resumption of the charters, namely that the "Colonies should be able to afford each other mutual assistance; that illegal trade and piracy should be prevented, . . . and that the produce of the whole should be turned to the benefit of England." Penn's effort did not further any one of these objectives and the Board asked that their previous bill, "the contents of which . . . have been duely weighed and examined", be reintroduced in Parliament as soon as possible. [266] On February 23 a Mr. Henry Baker attended the Board's meeting upon the Secretary of State's instructions. He had been directed to guide the resumption bill through Parliament, and to further that end he asked that all the relevant correspondence be given him. [267] It seemed as if the Board was finally to be successful in this quest.

The resumption bill was not to be introduced in the Parliamentary sessions of 1702, however, because of circumstances the Board could not have foreseen. In February 1702 a comet appeared in the skies over America, visible for two hours at dusk. Nicholson discribed it as "ye tail (as we supposed) of a blazing star . . . being ye colour of ye Milkey Way, and of the breadth of a Rainbow." [268] A French naval officer off Puerto Rico was also struck by the beauty

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[266] CO 5/1289, p. 393.
[267] CSPC 1702, #141.
[268] CSPC 1702, #151.

of the apparition, but was worried by what it might portend. "Some will have it foretell a great war; others the death of several great ones". [269] Those on the French ship who had predicted unsettling results due to the comet's appearance were correct for on March 8 King William died as the result of a riding accident, and Queen Anne's succession ushered in a new war with France.

These events precluded the introduction of the bill for the resumption of the charters as Parliament had automatically ended after William's death. Never again was the domestic political climate to be as receptive to the idea of resumption. The accession of Anne brought in a new ministry that was decidedly unsympathetic and unsupportive of the Board of Trade. [270] William Penn was surprised and gratified at the new support he was now receiving, writing to a friend that "the scene is much changed since the death of the king, . . . I find good friends, sorely against some people's will." [271] By June of 1702 Penn counter-charged Quary and the Board with incompetence. Although the Board deflected the charges, the weight given them by the Privy Council signalled the end of the privileged relationship the Board had enjoyed with that body. [272]

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[269]CSPC 1702, #163.
[270]For further details of the Board of Trade under Queen Anne see Part 2 of Steele.
[271]Quoted in Steele, p. 78.
[272]CO 5/1290, p. 65-85. Penn's animosity did not affect Quary's position within the colonial service, in fact Quary succeeded Edward Randolph as Surveyor-General of Customs during Queen Anne's reign.

The Board was to continue to sponsor legislation to resume the charters until the 1720s, but never again were the proposed bills to be so comprehensive, and never again was the Board to be so close to success. In the unfavorable atmosphere of Anne's reign, the Board had to modify its demands to less than total control of all non-royal colonies. These later resumption bills, although less comprehensive in scope than in 1701, still depended upon friendly colonial correspondents to supply the needed evidence to support their introduction. The effect colonial correspondents had upon the policy of the Board was still great after 1702, but the Board was not to be as powerful until the 1750s. King William's Board of Trade had attempted to fundamentally restructure the imperial system, as had the Lords of Trade under Charles II and James II, and although unsuccessful their efforts were to be noted and appreciated by later colonial officials.

The determined efforts made by the Board in 1701 and 1702 to reunite the proprietary colonies to the crown affected the proprietors as well. The last years of Penn's life were dominated by his awareness of the Board's antipathy to his continued existence as Pennsylvania's proprietor. In an attempt to set his mind somewhat at ease, Penn secured a promise from the Board before returning to his colony in 1702. According to this compact the Board was to allow Penn to reply to any charges against his colony before the members made a further attempt to abrogate his

colonial charter. This promise would ensure, Penn hoped, that in the future "nobody may be murder'd in ye Dark." [373]

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[373]Quoted in Sosin, *Imperial Inconstancy*, p. 119.

Postscript

The members of the Board of Trade did not feel that advising the resumption of all the proprietary charters was akin to murdering someone in the dark. Except for Blathwayt, none of the Board's members had entered office with a grudge against the proprietary colonies. Even after Edward Randolph and other informants had provided details of the misdeeds in the proprietaries, a majority of the Board proved reluctant to advise such a sweeping proposal as blanket resumption to the crown of all the colonial charters. Instead they chose to concentrate upon measures that would alleviate specific concerns articulated by the Board's correspondents.

The Board sponsored legislation against piracy and the abuse of power by the colonial governors while in office. They attempted to enforce the strictures contained in the 1696 Act of Trade, especially the requirement that governors in the proprieties be approved by the king before assuming office. And, in their most controversial move, the Board endeavored to establish Admiralty Courts in all the colonies to try abuses of the Navigation Acts. Without exception, these measures had been opposed by the proprietors or subverted in the proprietary colonies.

By 1701, when the Board first sponsored a bill to vacate the colonial charters, its members had finally lost all patience with the proprietors. Acts such as that against piracy had provided for the abrogation of the charter of any colony not enforcing its provisions. The Board's mandate was

to enforce the Acts of Trade and, according to their correspondents, the abuses in the proprietaries had not ceased, so the movement against the charters was the next logical step.

Tracing the development of the Board's policy towards the proprietary colonies supplements the historiography on the Board of Trade and offers a revision to some of the assumptions dominating the history of this topic. This thesis suggests that English colonial policy remained consistent after the Glorious Revolution. The agents of this consistency were the colonial officials whose careers predated William III. The extent of their influence can be traced through the Board's official correspondence, and from its inception, the Board heeded the letters from these men more than the communications from any other source. The fundamental ideals of the Board were to remain similar to those of these officials, especially with regard to the Navigation Acts, for the remainder of its existence, although the power to enforce their policies was to be more tentative.

When the Board finally began to pursue the resumption of all the colonial charters, they turned to their trusted correspondents to provide them with the necessary evidence to prosecute the bills they sponsored in Parliament. However, the Board's strategy on resumption was incorrect from the beginning. Earlier successes, such as the piracy bill in 1700, had originated because the Board had isolated

a specific problem, usually in response to pressure from the Privy Council, and then had built a strong case for their proposals and then had lobbied for its solution. By advancing such a sweeping proposal as resumption of all the colonial charters, the Board had hoped to solve all the ills of the imperial system, as defined by their correspondents, at once. The Board should have isolated the faults of a particular colony and prepared a detailed case based upon its misdemenours, and then found a domestic political lobby such as the outport merchants to endorse any solution proposed by the Board. This would have been a more successful approach, albeit more lengthy.

The Board's members assumed, incorrectly as events proved, that their work was of interest to the rest of the English government because it would benefit the kingdom. Such a belief was encouraged by the fact that for brief periods from 1695-1696, and 1700-1701, a good deal of debate about colonial matters came before Parliament. However, Parliament was only concerned with solving issues that had domestic components. If the merchants were satisfied, then the colonial system was working well, an attitude that presages the era of 'Salutory Neglect' of the 1720s to 1750s. During this period imperial affairs were allowed to drift because the merchants, and English trade generally, profited under the existing imperial system, even though illegal trade flourished.

It was during the first six years of the Board's existence that Parliament began to have a role in colonial affairs. Before the Glorious Revolution, Parliament had no input into imperial matters. But it was Parliament which provided the Board of Trade with the specific policy direction that body needed, mainly through the passage of the 1696 Navigation Act. This was to be of later constitutional significance for when George Grenville, the Prime Minister of Britain from 1763 to 1765, decided to reform the imperial system after the Seven Years War. He regarded the Glorious Revolution as the authority for Parliamentary involvement in the internal affairs of the colonies. [274] As usual Grenville was accurate in his statements, for it was during William's reign that Parliament first intervened in colonial matters.

The purpose of this thesis has been to shed light on the historiography of the Board of Trade, and the larger field of colonial history in two respects. First it has demonstrated that the resumption of the charters was the policy that linked the former Stuart trade agencies with the Board of Trade and second, it has demonstrated how the Board responded to concerns voiced in the colonies, even if these originated with royal officials. Additionally, the development of Parliament's relationship with the Board of Trade has been outlined. Research still needs to be done on the Board's further pursuit of resumption during Queen

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[274] P. Lawson, *George Grenville, a Political Life* (Oxford: 1984), pp. 201-202, and Simmons, p. 296.

Anne's reign, and other policies than the Board's relations with the royal officials in the colonies should be traced. For instance the Board, under King William, recommended that patent offices be abolished, as not having the office-holders in the colony disrupted colonial administration. The Board also recognized that the colonial governors should not be forced to depend upon the colonial assemblies for their salaries, in order to free them from financial pressure. These were issues that were commonly discussed in the 1750s, so it appears the Board was well aware of the need to reform the colonial administration in other areas besides the charters. The Board of Trade may be found to be more important during the era of 'Salutory Neglect' than historians have previously thought.

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